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INSURGENT PRIVATEERS IN FOREIGN PORTS.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

Resolution of the House of the 24th of February last, in regard to insurgent privateers in foreign ports.

APRIL 28, 1862.—Laid on the table, and ordered to be printed.

To the House of Representatives:

In compliance with the resolution of the House of Representatives of the 24th of February last, requesting information in regard to insurgent privateers in foreign ports, I transmit a report from the Secretary of State and the documents by which it was accompanied.

ABRAHAM LINCOLN.

WASHINGTON, April 26, 1862.


DEPARTMENT OF STATE,
Washington, April 26, 1862.

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 24th of February last, requesting the President "to communicate to the House, if not incompatible with the public service, whether any foreign power has received into her ports armed ships in rebellion against the government of the United States, and has allowed them to deliver their prisoners taken from American vessels captured and burnt upon the high seas; and has furnished such ships with supplies of fuel and stores, with repairs to their machinery and increase to their armament; and whether such power, or any power, has refused to American national vessels a harbor in her ports, or to supply them with fuel and stores, or has intercepted their ingress or egress into or from her ports, and all information he may have upon the subject, and all correspondence in relation thereto," has the honor to lay before the President the papers containing the information desired, a list of which is thereunto appended.

Respectfully submitted.

WILLIAM H. SEWARD.

The PRESIDENT.



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LIST OF PAPERS

ACCOMPANYING THE

REPORT OF THE SECRETARY OF STATE

TO

The President, of April 26, 1862, in relation to insurgent privateers in European and colonial ports.

GREAT BRITAIN.

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| Mr. Adams to Mr. Seward..... | November 22, 1861. |
| Same to same, (with two enclosures)..... | November 23, 1861. |
| Mr. Seward to Mr. Adams..... | December 12, 1861. |
| Mr. Wilson to Mr. Seward, (with one enclosure)..... | November 27, 1861. |
| Mr. Seward to Mr. Adams..... | December 13, 1861. |
| Same to same..... | December 18, 1861. |
| Mr. Adams to Mr. Seward, (with one enclosure)..... | November 29, 1861. |
| Same to same..... | December 6, 1861. |
| Same to same, (with three enclosures)..... | December 11, 1861. |
| Mr. Seward to Mr. Adams..... | December 30, 1861. |
| Mr. Adams to Mr. Seward, (with four enclosures)..... | January 2, 1862. |
| Same to same..... | January 10, 1862. |
| Mr. Seward to Mr. Adams..... | January 23, 1862. |
| Same to same..... | January 31, 1862. |
| Mr. Adams to Mr. Seward, (with one enclosure)..... | January 17, 1862. |
| Mr. Seward to Mr. Adams..... | February 5, 1862. |
| Mr. Adams to Mr. Seward..... | January 24, 1862. |
| Same to same, (with thirty enclosures)..... | January 30, 1862. |
| Same to same..... | February 7, 1862. |
| Mr. Seward to Mr. Adams..... | February 20, 1862. |
| Same to same..... | February 26, 1862. |
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| Mr. Seward to Mr. Adams..... | February 27, 1862. |

FRANCE.

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| Mr. Seward to Mr. Dayton..... | February 20, 1862. |
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| Mr. Perry to Mr. Seward..... | January 4, 1862. |
| Mr. Seward to Mr. Perry..... | January 31, 1862. |

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| Mr. Perry to Mr. Seward, (with eleven enclosures)..... | January | 8, 1862. |
| Mr. Seward to Mr. Perry..... | February | 4, 1862. |
| Mr. Perry to Mr. Seward, (with one enclosure) | January | 18, 1862. |
| Same to same, (with two enclosures)..... | January | 19, 1862. |
| Mr. Seward to Mr. Perry..... | February | 24, 1862. |
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| Mr. Perry to Mr. Seward, (with two enclosures) | February | 8, 1862. |
| Mr. Seward to Mr. Perry..... | February | 28, 1862. |
| Mr. Perry to Mr. Seward, (with five enclosures) | February | 16, 1862. |
| Same to same, (with four enclosures) | February | 22, 1862. |
| Mr. Seward to Mr. Perry..... | April | 3, 1862. |

BRAZIL.

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| Mr. Seward to Mr. Webb, (with one enclosure)..... | November | 13, 1861. |
| Mr. Webb to Mr. Seward, (with one enclosure)..... | November | 8, 1861. |
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| Mr. Webb to Mr. Seward, (with one enclosure)..... | January | 23, 1862. |
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| Mr. Seward to Mr. Webb..... | April | 3, 1862. |
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| Same to same, (with two enclosures)..... | February | 22, 1862. |

NETHERLANDS.

| | | |
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| Mr. Pike to Mr. Seward..... | November | 13, 1861. |
| Same to same | December | 11, 1861. |
| Mr. Seward to Mr. Pike..... | December | 4, 1861. |
| Same to same..... | December | 6, 1861. |
| Mr. Pike to Mr. Seward, (with one enclosure)..... | December | 25, 1861. |
| Same to same, (with one enclosure)..... | January | 1, 1862. |
| Mr. Seward to Mr. Pike..... | January | 13, 1862. |
| Mr. Pike to Mr. Seward..... | February | 5, 1862. |
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CORRESPONDENCE.

GREAT BRITAIN.

Mr. Adams to Mr. Seward.

No. 76.]

LEGATION OF THE UNITED STATES,
London, November 22, 1861.

SIR: At about one o'clock yesterday, being the 21st of November, I received a telegraphic communication from Captain Britton, the consul of the United States at Southampton, announcing the painful intelligence of the arrival at that port of the steamer Nashville, which had run the blockade at Charleston, and had brought in the captain, twenty-seven seamen, and one passenger of the United States merchant ship Harvey Birch, which it had forcibly seized on the high seas whilst on her voyage from Havre to New York, and had set on fire and burnt. I immediately sent a direction to Captain Britton carefully to collect all the facts in connexion with the affair, and to transmit them to me at as early a moment as practicable. At about five o'clock in the afternoon I received a visit from Captain Nelson, the master of the Harvey Birch, who had been sent up from Southampton to see me, and to communicate such information as he possessed. So important did the substance of it appear, that I requested him to perpetuate his testimony, in the form of a deposition regularly taken by Mr. Morse, the consul at London, in order that I might make it the basis of a formal application to the British government for its intervention.

So great has been the delay in preparing the paper, which has not yet come to hand, that I find I shall not be able to mature all the necessary documents in season for the despatch bag which goes to Liverpool in about an hour from this time. I will, however, endeavor to get all the papers copied to go in the general mail to Queenstown to-morrow night.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extract.]

No. 77.]

LEGATION OF THE UNITED STATES,
London, November 23, 1861.

SIR: I seize the opportunity of the departure of Judge Goodrich to send by him the papers which I had intended to commit to the general mail. These consist of a copy of a note of yesterday's date, addressed by me to Lord Russell,

on the subject of the outrage committed by the Nashville, and a copy of the deposition of Captain Nelson, which accompanies it. It is matter of regret that some vessel cannot be spared to be present on this side to deter adventurers from the commission of such wanton acts; but unless it comes commanded by thoroughly good officers, it were far better to be without any. At present the indignation among the American marine now here is general, and I doubt not when this news arrives in America it will spread far and wide over the seaboard. In my opinion, this is the greatest mistake the insurgents have yet committed. The owner of the destroyed vessel has heretofore been, as I am told, one of their best friends, and is himself a large slave owner in Texas.

After consultation with Mr. Morse, I concluded to advise Captain Nelson to consult counsel on the expediency of taking measures to recover his property retained by the master of the Nashville, and thus endeavor to bring the question of his authority before the courts. I have reason to believe that steps are to be taken to-day in that direction. I presume that it will be necessary to assume whatever expense may be incurred in this process.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, November 22, 1861.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to transmit to the right honorable Earl Russell, her Majesty's principle secretary of state for foreign affairs, the accompanying papers received from Mr. Freeman H. Morse, consul of the United States at London, respecting the wanton capture and destruction by fire of an American merchant vessel, the Harvey Birch, on the high seas, by the order of the master of an armed steamer called the Nashville, which has now sought for protection by putting into the port of Southampton, within the jurisdiction of her Majesty's realm.

It would appear from the statement contained in these papers, if they be in accordance with fact, that the vessel which committed this aggression was not equipped under a commission as a ship-of-war, nor even with the pretence of a letter of marque, but that she was sent from Charleston, in South Carolina, by persons in armed resistance to the government of the United States, to Great Britain, on a special mission, and with the avowed design that she should be refitted in her ports and made a formidable vessel-of-war; and further, that the officers who came in her should be put in command of two other ships, alleged to be now fitting out in the ports of Great Britain for a similar purpose, to wit: all to be used in carrying on a war against a friendly power—the United States.

The act of wilfully burning a private merchant ship, whilst pursuing its way quietly to its destination in its own country, seems in itself little to harmonize with the general sentiment among civilized and commercial nations, even when it is committed under the authority of a recognized belligerent; but when voluntarily undertaken by individuals, not vested with the powers generally acknowledged to be necessary to justify aggressive warfare, it approximates too closely within the definition of piracy to receive the smallest countenance from any Christian

people. The undersigned cannot permit himself to doubt that her Majesty's government, which has voluntarily renounced the authority to wage private war at sea, would not fail to visit, with its utmost indignation, any attempt to seek shelter under its jurisdiction from the consequences of indulging a purely partisan malice in unauthorized acts of violence on the ocean.

The purpose of the undersigned, in presenting these papers to the consideration of Lord Russell is, to request that her Majesty's government will cause an inquiry to be made into the circumstances attending this extraordinary proceeding, and will adopt such measures as the case, upon investigation, may seem to demand. This inquiry may be solicited to the ascertainment of two classes of facts. The first, as to the authority possessed by this vessel to commit so aggressive an act on the citizens of a friendly power, and then to claim a refuge and recognition in the harbors of Great Britain. The second, in case the nature of that authority be deemed sufficient, at least in the view of her Majesty's government, as to the purposes for which the ship is alleged to have come across the ocean, to wit: the making more effective preparation in the ports of Great Britain for carrying on a war against the people of a friendly nation. In the former case the question will arise whether the vessel be or be not subject to due process of law as a common disturber of the peace of the world; in the second, whether a recognized belligerent shall or shall not be permitted with impunity to violate the terms of her Majesty's proclamation forbidding the fitting out within the ports of Great Britain of any armament intended to be used against a nation with which she is at peace.

The undersigned is compelled, with great reluctance, to call the attention of Lord Russell to the fact that, for a period of many months, large steamers have been built, equipped, and despatched from her Majesty's ports by persons ill-disposed to the government of the United States, with the intent to supply to those who are in arms to overthrow it with further materials to attain their object. On the 15th of August last the undersigned had the honor to address a note to his lordship, pointing out the case of the steamer Bermuda, laden with a great amount of contraband of war, then about to depart from a port of Great Britain. That steamer is known, subsequently, to have made its way into the harbor of Savannah, in the State of Georgia, a port held by the insurgents against the government of the United States. To that application the undersigned had the honor to receive for answer from his lordship that there was no evidence in the hands of her Majesty's government sufficient to establish the intent of a wrongful voyage, and therefore that the parties who might afterwards engage in it only deprived themselves of all protection from the consequences to them that might attend its ultimate prosecution. Not insensible to the force of this reasoning upon a technical construction of the terms of her Majesty's proclamation, and the statute to which it referred, the undersigned has desisted from making further representations in several subsequent cases of a similar kind which have heretofore come within his knowledge, and are even now under his observation. Neither is it at all within his present purpose to enter into any complaint of her Majesty's government for this course. Much regret as he entertains at the annoyance and consequent irritation naturally excited among the citizens of his country by the observation of what may be made to appear to be hostile acts, though undoubtedly not so intended, he is too well aware of the difficulties inherent in the operations of every free government not to be ready to make large allowance for the skill which evil-disposed persons may use to evade the provisions of the most stringent law. But the case now presented is one of a kind somewhat different from all the preceding ones. It seems to involve the necessity on the part of her Majesty's government either of recognizing a belligerent, or of denouncing a wrong-doer. And, in the acceptance of the former alternative, it presents to their notice a responsible party as the directing force to proceeding which can have no assignable

motive other than that of prosecuting, under the protection they afford, the hostilities already unequivocally commenced against the citizens of a power long in friendly relations with them. If it should be the result of the investigation solicited to prove any or all of these allegations, the undersigned has not the disposition to entertain a single doubt of the desire of her Majesty's government to meet every expectation that can reasonably be formed of their ultimate determination.

In conclusion, the undersigned may be permitted to remark, that the request he has made on behalf of his government is no more than that government has heretofore shown itself willing in similar cases to grant. When her Majesty's minister at Washington called upon the authorities of the United States, in the year 1855, to institute an investigation into certain proceedings in the equipment of the bark Maury in the harbor of New York, suspected to be intended as a privateer during the war that was then going on, they lost no time in instituting a thorough examination of the vessel and all the attending circumstances, which ended in establishing to the satisfaction of all persons, including her Majesty's officers, though not without great loss and damage to the innocent owners, that no such violation of the laws of neutrality had been intended.

Earnestly desirous of preserving intact the friendly relations which have continued to prevail for so long a time between the two countries, it is due to her Majesty's government that the undersigned should apprise Lord Russell that the present application is necessarily made without instructions from his government, and therefore remains subject to their confirmation.

The undersigned desires to renew to Earl Russell the assurances of the highest consideration with which he has the honor to be his lordship's most obedient servant.

CHARLES FRANCIS ADAMS.

Right Honorable Earl RUSSELL, &c., &c., &c.

Deposition of Captain Nelson.

I, William Henry Nelson, of the city of New York, in the United States of America, master mariner, do solemnly, sincerely, and truly swear that I sailed from the said city of New York on the 20th day of September last, as master of and in the ship Harvey Birch, of New York, a ship owned and registered in New York in conformity with the laws of the United States, bound for the port of Havre de Grace, in France, with a cargo consisting of wheat. About the ninth day of October I arrived at Havre, and having discharged the cargo of my ship and ballasted her, I sailed in her again for the port of New York on the 16th day of November, first having received the register, crew list, articles, and all papers belonging to the ship, in proper form, from the United States consul there. On the morning of Tuesday, the 19th instant, the ship then being in about latitude 49° 06' N., longitude 9° 52' W., a steamer was made out, bearing for the Harvey Birch, which, on getting nearer, was found to be an armed vessel and hoisted at the peak the flag of the so-called Confederate States, and when within hailing distance a person on board, who I learned was the captain, hailed my ship, saying "Haul down your colors and heave the ship to"—the ensign of the United States being at this time flying at the peak of my vessel; this order was complied with, and I then received the order "Lower your boat and come on board," which I also complied with, taking my ship's papers with me. After arriving on board the steamer I was introduced by the first lieutenant, by name Fontleroy, to Captain Pegram, as commander of the Confederate States steamer Nashville, to whom I produced all the papers of my ship for examination, to show that I was engaged in legal trade. Captain Pegram took the ship's

papers—he did not return them, and still holds them—and then told me that he should hold me a prisoner of war, by authority of the Confederate States. He then told me I might go on board my ship, and I was ordered to send my crew on board the steamer as quickly as possible. I returned to my ship, and at once made preparations to leave her, but orders were repeatedly given from the steamer to hurry up, and sufficient time was not given to enable either myself or my crew to get our effects out of the ship.

The second lieutenant with other officers came on board the ship and took charge of her, and orders were given to seize fresh stores, &c., and in consequence thereof all the fresh meat, poultry, pigs, eggs, and butter, were taken out and put on board the steamer, and especially it was ordered that all the oil, tea, coffee, and sugar should be put on board the steamer, which was done. When all this had been accomplished, the crew left the ship by order of the second lieutenant, I being last on board, leaving the second lieutenant and his boat's crew in charge of the ship. After arriving on board the steamer we saw that the *Harvey Birch* was in flames, and the second lieutenant returned on board the steamer with his boat, which was secured, but the ship's quarter boats, which had been used in communicating, were cast adrift. Captain Pegram now said, "Now, as it is all over, we will give her a gun," or words to that effect, and a gun was discharged at the ship, but without apparently hitting her. The steamer then was put on an easterly course, the crew of the ship having previously been put in irons. I, with my officers, was summoned to the captain's cabin, and there signed, at the request of the captain, a document stating that we would not take up arms against them while in their custody, he having said that I and my officers should have our liberty on board when we had signed it. I was frequently told that an oath would be exacted of us, "not to take up arms against the Confederate States," before I could be liberated, but I was liberated without any such being taken.

The steamer steamed up the English channel, and arrived at Southampton at about 8 a. m. on the 21st instant, and came to anchor in the river. Captain Pegram then told me that I and my crew were at liberty, and might go ashore, but he refused to put us ashore, and I therefore employed a steam-tug at my own expense, and landed my crew in Southampton docks between 9 and 10 a. m., and they were taken charge of by the United States consul there. Repeatedly, while on board the steamer, in conversation with the officers, I was told that she was not fitted out as a vessel-of-war; that she was on a special mission to England, but naval officers were in command of her. I was told by one of the crew that the crew originally signed articles at Charleston, South Carolina, to go to Liverpool, but that before sailing the officers were all changed, and new articles were brought on board, which the crew were compelled to sign by threats of force. I was also informed that the crew was composed of English and Irish; and Colonel Peyton, a person who came from Charleston in her, informed me that her officers were coming here to alter the vessel, and to have her converted into a man-of-war, and to take command of two other vessels now fitting out in Great Britain as men-of-war.

The chronometer and barometer belonging to the *Harvey Birch* were taken by Captain Pegram, who refuses to deliver them up. The *Harvey Birch* was a ship six years old, and of fourteen hundred and eighty-two tons register. Before we lost sight of the ship her masts had gone over the side, and her hull was burnt to the water's edge.

W. H. NELSON.

Sworn before me, in the consulate of the United States at London, this 22d day of November, 1861.

[SEAL.]

F. H. MORSE,
Consul of the United States of America, London.

Mr. Seward to Mr. Adams.

No. 141.]

WASHINGTON, *December 12, 1861.*

SIR: Your despatch of November 23 (No. 77) has been received and submitted to the President. I am instructed by him to approve of all your proceedings, as thus reported, in reference to the shelter and protection afforded to the Nashville, a privateer steamer, which entered the port of Southampton immediately after she had captured and destroyed the Harvey Birch, belonging to the mercantile marine of this country.

Upon carefully reading your despatch, I found no occasion for suggesting any new arguments in support of your position, as I am pleased to say there is none for urging your zealous and persistent prosecution of the subject.

Previous communications from us to the British government sufficiently show that the harboring in British ports of pirates engaged in depredating upon our commerce cannot go on without involving the necessity of revising our whole system of commercial relations with the British government.

We consent, however, to hope that this new and flagrant occurrence has arrested the serious attention of her Majesty's government, and that it will result in bringing about some resolution of the whole subject consistent with the just expectations of the United States so often already expressed.

The Navy Department will not neglect the interests of our commerce in this new and distinct experience, whatever may be the difficulty or the cost.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Wilson to Mr. Seward.

LEGATION OF THE UNITED STATES,

London, November 27, 1861.

SIR: I am directed by Mr. Adams to transmit the enclosed copy of the reply of Earl Russell to his communication to him of the 22d instant, concerning the rebel steamer Nashville, and to state that nothing further upon the subject has as yet been received from the foreign office.

I have the honor to be, sir, respectfully, your obedient servant,

CHARLES L. WILSON,

Secretary of Legation.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *November 23, 1861.*

Lord Russell presents his compliments to Mr. Adams, and begs leave to acquaint him that his letter and the enclosure shall receive the immediate attention of her Majesty's government.

Lord Russell has already given directions that no infringement of the foreign enlistment act shall be permitted in regard to the Nashville.

Mr. Seward to Mr. Adams.

No. 145.]

DEPARTMENT OF STATE,

Washington, December 13, 1861.

SIR: I confine myself to a simple acknowledgment of the arrival of your despatch of November 22, No. 76, inasmuch as I have already expressed in another paper my views of the case of the ship Harvey Birch, captured and destroyed by the piratical steamer Nashville, which afterwards took shelter in Southampton.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 147.]

DEPARTMENT OF STATE,

Washington, December 18, 1861.

SIR: I acknowledge the receipt of Mr. Wilson's note of November 27, not marked as a despatch, relating to the case of the Nashville, and accompanied by a copy of a note upon this subject addressed to you by Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 79.]

LEGATION OF THE UNITED STATES,

London, November 29, 1861.

SIR: On the very same day that I sent to Lord Russell my note of the 22d of this month, a copy of which was transmitted with my despatch, No. 77, to the department, I received a brief informal reply, a copy of which I directed my secretary, Mr. Wilson, to forward out, of course, by the steamer which went in the middle of the week. Last evening I received the more formal answer, a copy of which will accompany this. I regret that it is not more satisfactory in some respects, as it seems to me that her Majesty's government had an opportunity of doing much, by the appearance of a little activity, to calm the excitement occasioned by the wanton act of an unauthorized vessel; for I cannot but think the evidence adduced of so-called nationality is quite insufficient. It is not to be denied, however, that the current of English law would warrant the capture of the Harvey Birch, even by private individuals among the rebels, though the benefit of the prize, whatever it might be, could not inure in that case to the captors. The same rule would justify a taking of the Nashville itself by any vessel privately fitted out by Americans, subject to the same exception. I have received several earnest applications from resolute parties to authorize some such undertaking, but it has seemed to me that every consideration of prudence as well as consistency dictated a complete abnegation, on my part, of every proceeding of the sort. Indeed, I could scarcely call on her Majesty's government to interfere, even so far as it has consented to do, in stopping the outfit of the Nashville, if I were on my side at the same time engaged

in preparing in the ports of Great Britain a counter-armament to make prize of her. In my despatch No. 77 I endeavored to give some account of the course of proceeding adopted by Captain Nelson, under advice of learned counsel, with the design to carry to the courts for adjudication the question of the true character of the Nashville. It would seem that he has been baffled; first, by the refusal of the authorities of Southampton to issue a writ without direction from the foreign office; and, secondly, by the disavowal by the foreign office of any power to direct such a proceeding. In the meantime the excitement caused by the late news of the seizure of Messrs. Mason and Slidell is so great as to swallow up every other topic for the moment. It may then be the part of prudence to let the old topic lie in abeyance until the heats stirred by the new one shall subside.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, November 28, 1861.

The undersigned, her Majesty's principal secretary of state for foreign affairs, has the honor to inform Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States at this court, that his note of the 22d instant has been the subject of careful and anxious consideration by her Majesty's government.

Mr. Adams, after reciting the capture and destruction by fire of the United States merchant ship on the high seas, by order of the commander of the armed steamer called the Nashville, and the subsequent arrival of the Nashville in the port of Southampton, asks for an inquiry as to two classes of facts. The first, "as to the authority possessed by this vessel to commit so aggressive an act on the citizens of a friendly power, and then to claim a refuge in the harbor of Great Britain." The second, "in case the nature of that authority be deemed sufficient, at least in the view of her Majesty's government, as to the purposes for which the ship is alleged to have come across the ocean, to wit: the making more effective preparations in the ports of Great Britain for carrying on a war against the people of a friendly nation."

Her Majesty's government have directed their inquiries to both these points, and also to the state of the law as applicable to the facts thus by them ascertained. With regard to the first point, the undersigned has to state that the Nashville appears to be a Confederate vessel-of-war; her commander and officers have commissions in the so-styled Confederate navy; some of them have written orders from the navy department at Richmond to report to Lieutenant Pegram "for duty" on board the Nashville, and her crew have signed articles to ship in the Confederate navy.

In these circumstances, the act done by the Nashville, of capturing and burning, on the high seas, a merchant vessel of the United States, cannot be considered as an act "voluntarily undertaken by individuals not vested with powers generally acknowledged to be necessary to justify aggressive warfare," nor does it at all approximate within the "definition of piracy."

Such being the answer of her Majesty's government on the first point raised by Mr. Adams, the undersigned passes to the second. The undersigned stated to Mr. Adams, in his informal note of the 23d instant, that he had already given directions that no infringement of the foreign enlistment act should be

permitted in regard to the Nashville. In fact, directions had already been given to prevent the Nashville from augmenting her warlike force within her Majesty's jurisdiction, in contravention of the foreign enlistment act.

With respect to the allegation made by Mr. Adams that some of the officers of the Nashville are to be put in command of vessels now fitting out in British ports for purposes hostile to the government of the United States, the undersigned can only say that if reasonable evidence can be procured to that effect, all parties concerned, who shall be acting in contravention of the foreign enlistment act, shall be legally proceeded against, with a view to the punishment of the persons and the forfeiture of the vessels.

Having thus answered Mr. Adams upon the two points to which his attention was called, the undersigned has only further to say that if, in order to maintain inviolate the neutral character which her Majesty has assumed, her Majesty's government should find it necessary to adopt further measures, within the limits of public law, her Majesty will be advised to adopt such measures.

It is the earnest desire of her Majesty to preserve the friendly relations between her Majesty and the United States of America.

The undersigned requests Mr. Adams to accept the assurance of his highest consideration.

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 84.]

LEGATION OF THE UNITED STATES,
London, December 6, 1861.

* * * * *

The Nashville is now in dock undergoing repair, and I learn that she will go out towards the last of the month, bent on mischief. They will try to increase her armament, and the sympathy of the people is now so great as to favor their success in a clandestine manner, but if I can get the requisite evidence I have no doubt that Lord Russell would exert himself to procure her condemnation. He voluntarily suggested to me the adoption of a course which some years since ended in the seizure of several vessels designed to go to the insurgents in Sicily. I did not then pursue it, for reasons which exist no longer.

Captain Nelson has failed in his efforts to get his case before the courts. He has just been here to tell me so.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 86.]

LEGATION OF THE UNITED STATES,
London, December 11, 1861.

SIR: I have the honor to enclose herewith a copy of a brief note from Earl Russell, dated the 8th instant, together with copies of the two enclosures which accompanied it from the custom-house, at London, containing reports of the repairs now being made on the steamship Nashville at Southampton.

This is the latest information I have received from her Majesty's government respecting this vessel.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russel to Mr. Adams.

FOREIGN OFFICE, *December 8, 1861.*

Earl Russell presents his compliments to Mr. Adams, and has the honor to send him copies of letters received from the home department, in reference to the Nashville.

Mr. Gardner to Mr. Waddington.

CUSTOM-HOUSE, *December 6, 1861.*

SIR: I am directed to acquaint you, for the information of Secretary Sir G. Grey, with reference to my letter of yesterday's date, that the officers of this revenue at Southampton have reported to the board that the steamship Nashville has not hitherto undergone any further repairs than caulking aloft.

The vessel was yesterday taken into dry dock, in order to ascertain the amount of damage sustained by her keel in coming out of Charleston harbor, and the officers have been informed by the ship-builder who has undertaken to perform whatever repairs may be necessary, and who, they state, may be fully relied on, that beyond restoring the keel and replacing the paddles, which are off the wheels, and also placing some beams athwart to strengthen her, no alterations or fitting are likely to take place.

I am, &c.,

F. G. GARDNER.

H. WADDINGTON, Esq., &c., &c., &c.

Mr. Gardner to Mr. Waddington.

CUSTOM-HOUSE,
London, December 5, 1861.

SIR: I am directed by the commissioners of her Majesty's customs to acknowledge the receipt of your letter of the 4th instant, signifying the request of Secretary Sir G. Grey to be informed what steps they took in regard to the steamer Nashville, and whether anything has come to their knowledge since the date of Mr. Clive's letter of the 23d ultimo to justify interference on their part. And I am to acquaint you that on receipt of Mr. Clive's letter the board transmitted to the collector at Southampton a copy of the letter, and with reference to the act 59, Geo. 3d, ch. 69; and her Majesty's order in council of the 13th May last directed him forthwith to report any alterations or fittings of a hostile nature which might take place on board. And the board have this day been informed by their collector "that the Nashville has just now been

placed in dry dock, not repaired at present beyond caulking aloft. This afternoon will decide what future repairs she requires."

The collector proposes to report further particulars, and upon receipt thereof the board will acquaint you therewith.

I am, &c.,

F. G. GARDNER.

H. WADDINGTON, *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 154.]

DEPARTMENT OF STATE,
Washington, December 30, 1861.

SIR: Your despatch of December 11 (No. 86) has been received. It relates to the repairs of the Nashville.

It is gratifying to know that the British government have bestowed so much attention upon the subject of the repairs of the Nashville.

I forbear, however, at the present moment, from reasons which you will understand, from special remark upon the general subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, *Esq., &c., &c., &c.*

Mr. Adams to Mr. Seward.

[Extract.]

No. 97.]

LEGATION OF THE UNITED STATES,
London, January 2, 1862.

SIR: I have to acknowledge the reception last evening of despatches numbered from 141 to 146, both inclusive.

Under the continued suspense as to the issue of the difficulty respecting the Trent, I know not that there is much necessity for adverting to topics of minor importance. I shall, therefore, content myself with transmitting copies of the further correspondence that has taken place between Lord Russell and myself on the subject of the Nashville. I have reason to believe that the supervision of the outfit of that vessel on the part of the government has been faithful and thorough.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *December 27, 1861.*

Lord Russell presents his compliments to Mr. Adams, and has the honor to transmit to him herewith a copy of a letter addressed by the superintendent of packets at Southampton to the secretary of the admiralty, respecting the nature

of the repairs which have been executed in that port on board the steamer Nashville.

Lord Russell requests Mr. Adams to accept the assurance of his high consideration.

Captain Patey to the Secretary of the Admiralty.

No. 162.]

SOUTHAMPTON, December 23, 1861.

SIR: In answer to your letter of the 21st instant, (16,) directing me to visit the Confederate steamer Nashville, and report what is taking place on board that vessel, I have the honor to acquaint you, for the information of the lords commissioners of the admiralty, that I have this day visited the ship in question, which is in the dry dock, though I have personally and daily heretofore taken notice of what has passed in regard to the Nashville, and am therefore in a position to report that no repairs have taken place but what was found absolutely necessary for making good a few trifling defects she sustained in her passage to this country, such as replacing boarding, gratings, and water-closets, washed away in a heavy sea from the port sponsoon and paddle-box. A few sheets of copper have also been replaced, to make good rubs which the ship's bottom met with by touching the ground in crossing the bar at Charleston. Some caulking has likewise been done in parts that were found to be leaking, consequent upon the heavy weather which the ship encountered in crossing the Atlantic.

I beg to add that the Nashville has not in any way equipped herself more completely as a vessel-of-war since her arrival at Southampton. She is at present detained in dry dock in consequence of another ship being in the same dock with the planking off her bottom.

I deem it right to state that Captain Pegram, of the Nashville, has from the first most willingly evinced a disposition that not anything should be undertaken without first acquainting me.

I am, &c.,

C. J. E. PATEY,

Captain, Superintendent of Packet Service.

The SECRETARY of the Admiralty.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, December 28, 1861.

Mr. Adams, the minister of the United States, presents his compliments to Lord Russell, and has the honor to acknowledge the reception, on two several occasions, of copies of letters addressed by the superintendent of packets to the admiralty, respecting the nature of the repairs which have been executed in the port of Southampton on board the steamer Nashville. It is a source of gratification to him to observe the continued supervision exercised by her Majesty's government over the outfit of that vessel.

Mr. Adams seizes the opportunity thus afforded him to submit to the consideration of Lord Russell the copy of another deposition taken before Mr. Freeman H. Morse, the consul of the United States in London, of one of the crew of the Nashville, on her late voyage. If the statement therein made be in accord-

ance with fact, then it would appear that the representation given by the master of that vessel to the governor of Bermuda of the character of his voyage, upon which alone he succeeded in obtaining from him supplies of coal, is in conflict with the construction given to it by her Majesty's government on the vessel's arrival here, and much more nearly approximates the view of the case first taken by Mr. Adams.

The verification of this fact, or otherwise, is fortunately in the power of her Majesty's government, by reference to the governor of Bermuda; although, if found to be true, it might arrive too late to be of service in the present instance. Mr. Adams ventures to indulge the hope that this example may serve as an inducement to the application of a more favorable rule hereafter for the prevention of abuses under the shelter of so-called belligerent rights.

Mr. Adams begs Lord Russell to accept the assurance of his highest consideration.

Right Hon. Earl RUSSELL, &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *January 1, 1862.*

Lord Russell presents his compliments to Mr. Adams, and has the honor to inform him, in reply to his note of the 28th ultimo, that he will immediately communicate with the duke of Newcastle, with the view of obtaining from the governor of Bermuda a correct account of the representation made to him by the commander of the Nashville.

Lord Russell requests Mr. Adams to accept the assurance of his highest consideration.

Mr. Adams to Mr. Seward.

[Extract.]

No. 99.]

LEGATION OF THE UNITED STATES,
London, January 10, 1862.

SIR : * * * * *

Just on the eve of the departure of last Saturday's steamer I received, by telegram from the consul at Cadiz, notice of the arrival at that port of the Sumter, with the news that she had destroyed three vessels on her way from Rio Janeiro. I sent it on forthwith, by telegraph, to the collector of New York. I am told that the plan has been, in contemplation of a war between Great Britain and the United States, to start five steamers at once out of the ports of Europe, to wit: the Nashville, the Bermuda, the Sumter, the Pacific, and one more, with the view of preying on our commerce, and of jointly resisting the attack of any one or more of our vessels-of-war that might come over to protect it. The not happening of the war has probably disturbed the arrangement to some extent. The outfits cannot be so easily made as was anticipated. In the meanwhile the Tuscarora has arrived at Southampton. The Nashville is not yet out of dock, but she is on the point of departure. The Bermuda is understood to have left Havre nominally for Liverpool, but for what real destination I do not yet learn. Under these circumstances, it is somewhat doubtful whether much confi-

dence has been gained by the acquisition of one steamer. I have not yet heard directly from her commander.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 168.]

DEPARTMENT OF STATE,
Washington, January 23, 1862.

SIR : * * * * *

We are embarrassed by the attitude of the British government in regard to the entertainment it gives in its ports to pirates engaged, without advantage to any loyal or humane interest in the world, in destroying our national commerce—a commerce only less important to Great Britain than it is to the American people. The President cannot but regard this misfortune as a consequence of precipitancy on the part of the British government which might well have been avoided.

I wait, however, before giving you new instructions upon the subject, for the advices which are expected to indicate, if not determine, the future course of the British government in regard to our domestic affairs.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 172.]

DEPARTMENT OF STATE,
Washington, January 31, 1862.

SIR : I learn from reports received at the Navy Department from the commander of the American steamer *Flambeau*, that although the United States have a deposit of coal at Nassau, our steamers are denied the right of taking it for use by the colonial authorities at that place.

I do not send you a formal statement of the fact, because although it is presumed that those authorities have not acted under instructions from London, yet that they nevertheless must themselves have reported their proceedings to the home government. Justified, as I think, by this circumstance, in assuming that the fact which I thus bring to your attention is already known to Earl Russell, I have to request you to ask from him an explanation of the proceeding, and to inquire whether we are to understand that the colonial ports are to be closed against our vessels-of-war when entering them for coal, and are to be denied even the right of supplying themselves from stores of our own lying in such ports. Liberal as we are in all our intercourse with the British government in American waters, the President declines to believe that that government has sanctioned or will sanction the proceedings of the authorities at Nassau. Should you find this to be the fact, you will suggest to Earl Russell our desire that proper instructions may be given to the authorities there.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Mr. Adams to Mr. Seward.

[Extract.]

No. 103.]

LEGATION OF THE UNITED STATES,

London, January 17, 1862.

SIR: The arrival of the *Tuscarora* at Southampton has had the effect of materially changing the purposes of the Confederate emissaries, at the same time that it has created great uneasiness on the part of the government, from the fear of some violation of neutrality and a conflict within British jurisdiction.

I received a note from Lord Russell on the subject, a copy of which I transmit herewith. In consequence of it, I immediately wrote letters to Captain Craven, as well as to Captain Britton, the consul at Southampton, enjoining it upon both of them to see that no just cause of complaint be given, to which I have every reason to believe they will pay every attention. In the meanwhile the *Nashville* is fearful of attempting to go out in the face of so formidable an opponent. There is reason to believe that so many of her crew have deserted as to make her departure in her present character very doubtful. Rumors have been currently circulated at Southampton that she has been sold, and is to be put under British colors as a merchantman. This is doubtless one of the devices for escape which have been under consideration.

The difficulty in the way probably is, that the means have not yet been found of evading the requisitions of the British law of assignment of vessels, which are all based upon a transfer, *bona fide*, from legitimate owners to real purchasers. But so great must be the expense of keeping her in her present state of confinement, and so little is she really fit for the service in which she has been enlisted, that it would not surprise me at all if some *bona fide* operation of the kind were ultimately effected.

I have received a despatch from Mr. Perry, at Madrid, which says that the *Sumter*, having been found to be badly injured, is at present in dock at Cadiz, undergoing repairs.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *January 10, 1862.*

SIR: I have just been informed that armed men were found last night watching the *Nashville* in Southampton docks, and that they were discovered by Mr. Hodge, the dock superintendent, close at the *Nashville's* bows.

I think it necessary to state to you that, except in case of stress of weather, forcing them to land, her Majesty's government cannot permit armed men in the service of a foreign government to land upon British ground.

I therefore request that you will inform the captain of the federal steamer in Southampton waters that he must refrain from acts of this kind, which may lead to a collision between his men and the British authorities.

I have also to inform you that no act of hostility can be permitted between the federal steamer and its enemy within British waters, and that orders to that effect will be issued to the board of admiralty.

In the case of the *Nashville* leaving British waters the federal steamer-of-war

will not be permitted to start from British waters in pursuit of her till after the expiration of twenty-four hours.

The same rule will be applied to the vessels of the so-called Confederate States.

I have to request you to accept the assurances of my highest consideration, and remain

Your obedient servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 179.]

DEPARTMENT OF STATE,

Washington, February 5, 1862.

SIR: Your despatch of January 17, No. 103, fell upon the department as only a small part of the largest foreign mail ever received here, and only after such delays as left insufficient time to dispose of the same before the departure of the out-going steamer.

I approve entirely of your proceeding in regard to the Nashville, while I hail the solicitude of the British government for the preservation of peace in the British waters as a favorable indication.

I have given to the Navy Department the information received from you concerning the probable attempt to transfer the Nashville to British owners.

I have given to Mr. Perry substantially the same ideas which I have expressed to yourself in regard to the uselessness to European maritime powers of a policy, on their part, which invites only insurgent pirates and repels loyal American commerce from their ports. It is easy to see that this is the effect of a premature recognition of the insurrection as entitled to belligerent rights.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 105.]

LEGATION OF THE UNITED STATES,

London, January 24, 1862.

SIR: * * * * *

In the meanwhile the relative position of the Nashville and of the Tuscarora in the harbor of Southampton remains unchanged. On the other hand, the Sumter, having been warned to leave Cadiz, has put into Gibraltar, after capturing two vessels. This tendency to take refuge in British ports is becoming so annoying to the government here, that I shall not be surprised if the limit of twenty-four hours' stay be soon adopted.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 108.]

LEGATION OF THE UNITED STATES,
London, January 30, 1862.

SIR: I transmit herewith copies of a correspondence between Captain Patey, senior officer at Southampton, and Commander Craven, of the *Tuscarora*, which were furnished to me by the latter, as a basis of complaint against the government here.

Although not altogether convinced that that complaint is well founded, I thought there was sufficient ground for it to justify a request for an explanation. To that end I yesterday addressed a note to Lord Russell, a copy of which is also sent. I think it will turn out that a similar notice has been given to both vessels, and that the unexpected refusal of Captain Craven to depart was suspected to be in violation of the spirit of his engagement. Should a reply from his lordship be received before the departure of this despatch, a copy of it will also accompany it.

I have received from Mr. Sprague, the consul at Gibraltar, regular accounts, by telegraph, of the movements of the *Sumter*, and likewise a report in a letter, which, at his request, I forward to the department.

I do not furnish any further accounts of the movements made at the various ports of the kingdom in aid of the insurgents, for the reason that the respective consuls are believed to be so active in forwarding the information as to render the labor on my part superfluous.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

A.

Captain Patey to Commander Craven.

ADMIRALTY OFFICE,
Southampton, January 26, 1862.

SIR: I have the honor to state that I am directed to obtain from you, as well as from the commander of the *Nashville*, a written promise that you will not leave your present position without giving me twenty-four hours' notice of your intention to depart.

I am, sir, your most obedient servant,

CHARLES G. E. PATEY,
*Additional Captain of her Majesty's Steamer Victory,
And Senior Officer at Southampton.*

Commander T. AUGS. CRAVEN,

United States Steamship Tuscarora, Southampton.

B.

*Commander Craven to Captain Patey.*UNITED STATES STEAMER TUSCARORA,
Southampton, January 26, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of this day.
I most cheerfully agree to the requirement of giving you twenty-four hours' notice of my intention to depart from this anchorage.

I am, sir, most respectfully, your obedient servant,

T. AUG. CRAVEN,
Commander United States Navy.

Captain CHARLES G. E. PATEY,
Senior Naval Officer, Southampton.

C.

*Commander Craven to Captain Patey.*UNITED STATES STEAMER TUSCARORA,
Southampton, January 27, 1862.

SIR: I have the honor to inform you that I intend to proceed to sea to-morrow, (Tuesday,) at 11 a. m.

I am, very respectfully, your obedient servant,

T. AUGS. CRAVEN, *Commander.*

Captain CHARLES G. E. PATEY,
Royal Navy, Senior Naval Officer, Southampton.

D.

*Captain Patey to Commander Craven.*ADMIRALTY OFFICE,
Southampton, January 27, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, acquainting me that you intend to proceed to sea to-morrow, (Tuesday,) at 11 a. m. A notice of your intention so to proceed has been communicated by me to the lieutenant commanding the Nashville.

I am, sir, your most obedient servant,

CHARLES G. E. PATEY,
*Additional Captain of her Majesty's Steamer Victory,
And Senior Naval Officer—Present.*

Commander T. AUGS. CRAVEN,
United States Navy, U. S. Steamer Tuscarora, Southampton.

E.

*Commander Craven to Captain Patey.*UNITED STATES STEAMER TUSCARORA,
Southampton, January 28, 1862.

SIR: I have the honor to advise you that, in consequence of the inclemency of the weather, I shall defer my departure until to-morrow, (Wednesday,) or the first fair day.

I have the honor to be, sir, your obedient servant,

T. AUGS. CRAVEN,
Commander United States Navy.

Captain CHARLES G. E. PATEY,
Senior Naval Officer, Southampton.

F.

*Captain Patey to Commander Craven.*ADMIRALTY OFFICE,
Southampton, January 28, 1862—11 a. m.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, advising me that, in consequence, as you allege, of the inclemency of the weather, you intended to defer your departure until to-morrow (Wednesday) or the first fair day.

Not seeing anything in the state of the weather to prevent your proceeding to sea in accordance with the intimation expressed in your letter to me of yesterday, I have to request that you will lose no time in leaving the Southampton waters and proceeding to sea accordingly. Having received from you a written notification of your intention to proceed to sea this day at 11 a. m., I did not deem it necessary to convey to you my instructions, which were, "to desire that you would leave the Southampton waters and proceed to sea to-day at 12 o'clock, at noon."

I am, sir, your most obedient servant,

CHARLES G. E. PATEY,
Captain, Superintendent, Senior Officer.
Commander T. AUGS. CRAVEN, U. S. N.,
United States Steamer Tuscarora, Southampton.

*Mr. Adams to Lord Russell.*LEGATION OF THE UNITED STATES,
London, January 29, 1862.

MY LORD: I have the honor to submit to your lordship's consideration copies of certain letters transmitted to me by Commander Craven, of the United States corvette the Tuscarora, now at Southampton. It would appear, from the tenor of this correspondence, as if a different rule were about to be applied by her Majesty's government to the armed ships of the United States from that which has been extended to their enemies. As I cannot permit myself for a moment to believe the existence of any such intention, I feel myself constrained to apply

to your lordship for such an explanation of the terms of Captain Patey's note of the 28th instant as may reconcile the apparent inconsistency which it involves. Whilst I deem it needless to assure your lordship of the desire of my government to abstain from any and all acts which would tend in the remotest degree to a violation of the laws of neutrality within the jurisdiction of her Majesty, it would at the same time be a source of great regret if even a shadow of ground should be given to the idea that at least an equal degree of comity is not extended to them with that which has been granted to persons committing the most hostile acts against their authority.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be your lordship's most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl RUSSELL, &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *January 30, 1862.*

SIR: I have had the honor to receive your letter of the 29th instant, enclosing certain correspondence transmitted to you by Commander Craven, of the United States corvette the *Tuscarora*.

I can assure you it has been the earnest desire of her Majesty's government to apply the same equal rule to the armed ships of the United States and to those of their enemies.

It has been difficult to apply to the *Tuscarora*, however, rules which would put her exactly on an equality with the *Nashville*, for reasons which can only be explained by a detail of the facts.

For this purpose the best course will be that I should refer your letter to the board of admiralty, with a view to obtain a precise answer as to the proceedings to which you refer.

In the meantime I have to inform you that stringent rules for the purpose of preventing any infringement of her Majesty's neutrality during the present unhappy contest are about to be promulgated.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February 1, 1862.*

SIR: I have now the honor to send you a summary of the proceedings of the board of admiralty in regard to the *Tuscarora* and *Nashville* in Southampton waters.

I think you will see from this summary that her Majesty's government have reason to complain of the conduct of the commander of the *Tuscarora*, as an attempt to carry on hostilities in the water of a neutral. I have the honor also to enclose a copy of the London Gazette containing the rules which I mentioned to you in a previous letter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

PROCEEDINGS OF THE BOARD OF ADMIRALTY.

JANUARY 30, 1862.

Statement of facts with regard to the Tuscarora, United States vessel-of-war, and the Nashville, a vessel belonging to the so-styled Confederate States.

November 21, 1861.—Nashville arrived at Southampton and taken into dock for caulking and other repairs.

December 15, 1861.—Tuscarora arrived and anchored off entrance to river Itchen.

December 23, 1861.—Captain Patey reported that no repairs had been made in Nashville beyond what was absolutely necessary, and that she had not been in any way equipped more completely as a man-of-war.

January 10, 1862.—Captain Patey reported that the dock-master at Southampton had, on previous night, found two officers (one with side arms) and three men belonging to Tuscarora under Graving dock fence, on pier between docks. They stated that they were stationed there by their captain's orders, to watch Nashville, and to make a signal to their own ship should Nashville attempt to get under way. Dock-master removed these persons.

January 10, 1862.—Captain Patey also reported that the Tuscarora had received 150 tons of coal, and had kept her steam up ever since her arrival, with a spring on her cable apparently ready for sea.

January 11, 1862.—Captain Willecox, of her Majesty's steamer Dauntless, stationed in Southampton water, informed captains of Tuscarora and Nashville that he had observed preparations for their departure, and had instructions to prevent any hostilities in British waters, and brought to their notice that the law of nations requires that twenty-four hours should elapse before the departure of one belligerent ship from a neutral port in pursuit of another. Captain Patey, as senior officer at Southampton, also informed captains of Tuscarora and Nashville that he had received orders to detain one vessel until the other had twenty-four hours' start. Captains of two vessels answered that they would conform to law, and Captain Craven, of Tuscarora, claimed right of free access to and egress from "waters of a nation believed to be in amity with the United States," trusting that strict impartiality would be observed between the two vessels. In reply, Captain Patey referred to fact of Captain Craven having sent officers and men into docks to watch Nashville, and also pointed out that a boat apparently armed, from the Tuscarora, had been observed pulling in and out of the docks, without landing, during the night. Captain Craven gave assurance that this should not be repeated.

January 13, 1862.—Tuscarora left anchorage at 4 a. m., and proceeded to anchor one mile west of Calshot light-ship. Returned at 4 p. m. to former anchorage, at entrance of Itchen river.

January 15, 1862.—Tuscarora, at 2 p. m., weighed anchor and passed Calshot.

January 16, 1862.—At 2 p. m. returned to original anchorage.

January 20, 1862.—At 8 p. m. proceeded down Southampton water and anchored outside Calshot castle.

January 22, 1862.—At 10 a. m. returned to anchorage at mouth of Itchen river.

January 25, 1862.—Captain Patey reported Nashville coaled, and necessary repairs completed, and Tuscarora ready for sea; also, that in conversation with him, Captain Craven, of Tuscarora, had avowed that he would do his utmost to render rule as to twenty-four hours null and void, by constantly keeping up steam, and having slips on her cable, so that the moment Nashville might move, Tuscarora would precede her and claim priority of sailing, returning

again within twenty-four hours, and so actually *blockading* Nashville in a neutral port.

January 26, 1862.—Under instructions, Captain Patey obtained written promises from captains of *Tuscarora* and *Nashville*, not to leave their then positions without giving twenty-four hours' notice.

January 27, 1862.—In order to prevent any hostile proceedings between the two vessels in British waters, a messenger was despatched in the morning to Southampton with instructions to Captain Patey to require *Nashville* to depart by 12 o'clock at noon, on Tuesday, the 28th January, and the *Tuscarora* on following day at same hour; but at 1 p. m., and before receiving these last-mentioned instructions, Captain Patey telegraphed that captain of the *Tuscarora* had notified to him that that ship would put to sea on the following day, namely, on the 28th of January, at 11 a. m. To this telegram an answer was at once sent that *Tuscarora* was accordingly to be allowed to proceed first; and under the circumstances, Captain Patey did not think it necessary to acquaint the captain of the *Tuscarora* of the orders he (Captain Patey) received subsequently, (on the afternoon of the 27th,) requiring the ship to quit Southampton.

January 28, 1862.—Captain of *Tuscarora* reported by letter to Captain Patey that he should defer departure, in consequence of inclemency of weather, until 29th, or first fair day. Captain Patey, in answer, told Captain Craven that he saw nothing in the state of the weather to prevent *Tuscarora* proceeding, and requested she would lose no time in doing so, observing that having received from Captain Craven a written notification of his intention to proceed on the 27th at 11 a. m., he (Captain Patey) had not deemed it necessary to convey to Captain Craven the instructions he had received for the *Tuscarora* to leave Southampton on the 28th.

January 29, 1862.—Captain Patey directed by telegraph not to take any steps, at present, to compel *Tuscarora's* departure. At 8.10 a. m. *Tuscarora* proceeded down Southampton water.

January 30, 1862.—Captain Patey, by telegraph, reports *Tuscarora*, at 2 p. m., remains in Yarmouth roads, and he asks for instructions as to *Nashville's* departure. Informed, in reply, that the time of *Nashville's* departure will date from hour *Tuscarora* shall really *go to sea* in accordance with notice.

Mr. Sprague to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,

Gibraltar, January 20, 1862.

SIR: I beg to enclose copies of the telegrams I had the honor of transmitting to you yesterday, respecting the arrival here on the previous night of the steamer *Sumter*.

The moment she appeared in this port I addressed a note to the governor of this fortress on the subject of this unwelcome visitor, and I now beg to enclose copies of the whole correspondence that has taken place, adding a copy of the protest of the master of the late bark *Neapolitan*, which vessel was destroyed by the *Sumter* before coming into this port.

The bark *Investigator*, of Searsport, which was the other vessel overhauled by the *Sumter*, was afterwards released on the plea of being owned one-fourth in one of the southern ports, but not until her captain had executed and delivered a ransom bond for \$11,250, in favor of the commander of the rebel steamer. The *Investigator* will proceed on her voyage to Newport, England, first fair wind. The crew of the *Neapolitan* is now being placed under the charge of this consulate, and I shall dispose of these seamen in the best manner possible.

In the face of what the British governor here has addressed to me, I deeply regret that it is out of the power of this consulate to detain the Sumter in port, and I fear that nothing now but an armed federal vessel could check her movements, now so dangerous to our commerce.

I was able yesterday evening to charter a British tug-boat to go a few miles to the eastward of the Rock, for the purpose of warning all American wind-bound vessels in sight that they were running risk of capture by the Sumter by continuing to cruise off the straits, and several of our merchant vessels have already availed of the advice and entered this port to a safe anchorage.

I have also telegraphed the same information throughout the Mediterranean ports to our consuls and others interested in American commerce. The Sumter remains in port, and it is reported she will be supplied with coal here by private parties in the coal trade. I shall continue to keep a strict watch over her movements, and shall, in due course, telegraph to your excellency any important facts for transmission to our Secretary of State.

Being quite hard pressed for time, I shall feel under great obligations if your excellency will kindly make known the contents of the present communication to our government at Washington, forwarding, at the same time, the enclosures.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE.

His Excellency the ENVOY EXTRAORDINARY AND MINISTER

PLENIPOTENTIARY of the United States of America, &c., London.

Mr. Sprague to Mr. Adams.

[Per telegraph.]

JANUARY 19, 1862.

Sumter arrived here last night with crews of captured vessels. Particulars not yet ascertained.

SPRAGUE.

JANUARY 19, 1862.

Bark Neapolitan, of Kingston, destroyed by Sumter. Captain and crew safe in my charge. Bark Investigator, of Searsport, permitted to proceed to England, cargo being British; captain giving bond for eleven thousand dollars. Sumter at anchor here.

SPRAGUE.

MR. ADAMS,

American Minister, London.

Copy of the indorsement made by the commander of the steamer Sumter on the register of the American bark Investigator, of Searsport, Maine, captured by the Sumter in the Straits of Gibraltar, on the 18th of January, 1862, and released on the same day.

The bark Investigator, of Searsport, Maine, was captured in the Straits of Gibraltar, on the 18th of January, 1862, by the Confederate States steamer Sumter, and released on ransom bond, having on board a cargo belonging to English subjects.

R. SEMMES, *Commander.*

Mr. Sprague to Sir William Codrington.

UNITED STATES CONSULATE,
Gibraltar, January 18, 1862—9 p. m.

DEAR GENERAL: I just learn that the rebel steamer Sumter has entered this port a few moments since, after destroying one or two of our merchant vessels within sight of this rock.

I hope your excellency will give such orders as may prevent this rebel cruiser from obtaining the necessary facilities and making equipments for the continuation of her unlawful vocation.

The probability of the Sumter being visited by the sanitary authorities at an early hour to-morrow makes me anxious that the present note should reach your excellency's hands at an early moment; hence the reason of my addressing you at this advanced hour of the night, and for which I beg to offer to your excellency many apologies.

I have the honor to be, dear general, very respectfully, your obedient servant,
HORATIO J. SPRAGUE,
United States Consul.

His Excellency General Sir WILLIAM CODRINGTON, K. C. B.,
Governor of Gibraltar, &c., &c., &c.

Mr. Freeling to Mr. Sprague.

SECRETARY'S OFFICE,
Gibraltar, January 19, 1862.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of yesterday's date on the subject of the Confederate steamer Sumter, now at anchor in this bay.

His excellency desires me, in reply, to inform you that the instructions contained in her Majesty's proclamation of the 13th May last, (published in the Gibraltar Chronicle of the 1st June, 1861,) with reference to the strict neutrality to be observed by her Majesty's subjects in the contest between the government of the United States of America and certain States styling themselves the Confederate States of America, will be strictly carried out with regard to the rights and obligations towards both belligerent parties.

I have the honor to be, sir, your obedient servant,
J. FREELING, *Colonial Secretary.*

HORATIO J. SPRAGUE, Esq.,
Consul of the United States of America, Gibraltar.

Mr. Sprague to Mr. Freeling.

UNITED STATES CONSULATE,
Gibraltar, January 19, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of this day's date, and beg to say, in reply, that I fully count upon his excellency the governor preventing the neutrality of this port and fortress from being compromised by southern armed cruisers to the detriment of the commerce of the United States.

His excellency the governor is already informed of the particulars of the destruction of property yesterday by the Sumter in sight of this rock; the bark Neapolitan, of Kingston, (United States of America,) was captured and destroyed by this steamer, and the crew were sent to this port by the American bark Investigator, at first captured by the Sumter, and then released on her master handing to the commander of the Sumter a ransom bond for \$11,250. This crew was put on board the Investigator to go wherever they pleased; and being protected American seamen, I beg to ask the favor of his excellency the governor to permit these men to place themselves under the charge of this consulate, so that I may provide for their subsistence and return to their homes. They are entirely destitute, and are at this moment a heavy burden to the master of the American bark Investigator, who is anxious to be relieved of them, as he wishes to proceed on his voyage to England without further delay.

I am, sir, your obedient servant,

HORATIO J. SPRAGUE,
United States Consul.

Captain J. FREELING, R. A.,
Colonial Secretary, Gibraltar, &c., &c., &c.

Mr. Freeling to Mr. Sprague.

SECRETARY'S OFFICE,
Gibraltar, January 20, 1862.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, and to inform you that by some expressions in it there seems to be expectation on your part, which it might not be in his excellency's power to accomplish, with regard to acts detrimental to the commerce of the United States.

He therefore begs me to remind you that her Majesty's proclamation and the rules of international law will form the limit and the guide in any conduct observed towards the belligerent parties of the northern and southern States of America.

The governor understands that you will take charge of the crew of the Neapolitan, and he has, therefore, no objections to their being landed from the Investigator at once.

I have the honor to be, sir, your obedient servant,

S. FREELING, *Colonial Secretary.*

HORATIO J. SPRAGUE, Esq.,
United States Consul, Gibraltar.

Protest of Andrew Burditt.

CONSULATE OF THE UNITED STATES OF AMERICA, GIBRALTAR:

Before me, Horatio Jones Sprague, consul of the United States of America for this port of Gibraltar, personally came and appeared this day Andrew Burditt, master of the late American bark Neapolitan, of Kingston, who reported having sailed from Messina on or about the 28th day of December last past, laden with a cargo consisting of sulphur and green fruit, and bound for Boston. That during the voyage he experienced variable weather, and that on or about

the 16th day of January instant he made the Rock of Gibraltar, strong westerly winds prevailing at the time, and was endeavoring to work up to the Straits of Gibraltar, when at about seven o'clock on the morning of the 18th instant, Ceuta bearing south about two miles and a half distant, with moderate and baffling winds from the westward, a steamer was seen steaming east, with the ensign of the United States of America flying; soon after, the said steamer squared right for the said bark Neapolitan, and she came alongside, ordering the said appearant to heave to; a boat was sent on board from the said steamer, which took the said appearant on board the said steamer, which proved to be the Confederate States steamer Sumter, commanded by Captain R. Semmes, with a crew of about seventy men. That a boat with a full crew was then sent from the said steamer to the said bark Neapolitan, who began stripping everything from her in the shape of sails, rigging, oil, paints, provisions, &c., which were then put on board the Sumter—the said steamer hoisting the Confederate States flag and lowering the ensign of the United States of America (which she had previously hoisted) from the moment she took possession of the said bark Neapolitan. That in the meantime the said steamer Sumter captured the American bark Investigator, of Searsport, from Garrucha, loaded with mineral ore for Newport, (England,) which vessel was afterwards allowed to continue her voyage to Newport, in consequence of the master of said bark giving a ransom bond for \$11,250, in favor of Captain R. Semmes, of the aforesaid steamer Sumter, and for her being partly owned in a southern port of the United States. That then the crew of the said bark Neapolitan was placed on board the said bark Investigator, and came into this port, where they anchored this morning at four o'clock, the said appearant having been previously deprived of eighty-six dollars belonging to him, together with his chronometer, sextant, and charts, by the aforesaid Captain R. Semmes, of the said steamer. That at about three o'clock last evening the aforesaid bark Neapolitan was fired by the crew of the aforesaid steamer, at about eighteen miles to the eastward of the Rock of Gibraltar.

In consequence of the foregoing, the said appearant herewith solemnly and publicly protests against the said steamer Sumter, her commander aforesaid, officers and crew, and all which in right ought to be protested against, all losses, costs, damages, detriments, and expenses which have or hath arisen, or which may accrue to those concerned in the aforesaid late American bark Neapolitan, of Kingston, or the proprietors of the cargo in consequence thereof.

This done and protested, the said Andrew Burditt hath hereunto set his hand, in Gibraltar, this nineteenth day of January, anno Domini one thousand eight hundred and sixty-two.

ANDREW BURDITT.

Sworn before me this nineteenth day of January, A. D. 1862.

HORATIO J. SPRAGUE,
U. S. Consul, Gibraltar.

I certify that the foregoing contains a verbatim copy of the protest of the master of the late American bark Neapolitan, of Kingston, duly registered in this consulate, and, as a verbatim copy of the original, is entitled to full faith and credit. Witness my hand and seal of office, in Gibraltar, this 20th day of January, A. D. 1862.

HORATIO J. SPRAGUE,
U. S. Consul, Gibraltar.

Declaration of the officers of the bark Neapolitan.

CONSULATE OF THE UNITED STATES OF AMERICA, GIBRALTAR:

Appeared personally, and solemnly and sincerely declared, on this twenty-third day of January, A. D. 1862, Andrew Burditt, master; Jacob Doyle, first officer, and Edward Houdlett, second officer, of the late American bark Neapolitan, of Kingston, 322 tons, or thereabouts; that they sailed in and with the said bark Neapolitan from Messina on or about the 28th day of December, 1861 loaded with a cargo of brimstone and green fruit, and bound for Boston; that during the voyage they experienced variable weather, and nothing of particular note occurred until the morning of the 18th January instant, the wind being about northwest, and they then were close to Ceuta, the centre thereof bearing south and by east; that at about a quarter before seven o'clock they observed a steamship, with American colors flying, running to the eastward, which immediately afterwards stood towards them; that the colors were ordered to be hoisted, and while the mate was bending them on, the steamer spoke them and ordered them to heave to; presently a boat came from the steamer and directed the master to carry all the ship's papers to the steamer; that the master went in the steamer's boat, carrying her papers; that the said bark Neapolitan was lying to, with her head towards Ceuta, within about one and a half mile of the shore, and the moment the boat with the master and papers reached the strange steamer she hoisted Confederate colors and hailed the aforesaid bark Neapolitan, ordering her to wear; that the Neapolitan wore, and a boat came from the steamer with an officer. As soon as the boat reached the aforesaid bark Neapolitan the officer declared her to be a prize, and ordered her men aloft to cut away the sails. At this time the wind was moderate, but it very soon freshened up, and the men of the steamer wore the aforesaid bark Neapolitan again, and having run before the wind for a mile and a half they hove her to again on the star-board tack. The crew of the aforesaid bark Neapolitan were then ordered to pack up their things and go on board of the bark Investigator, another American bark which the steamer had been boarding; that at about ten o'clock they were forced away from their ship and went on board the bark Investigator, leaving their ship, the Neapolitan, in the hands of the officers and crew of the Confederate States armed steamer Sumter, who were now busily employed in taking out her stores. That the aforesaid bark Investigator made sail and stood towards Gibraltar, and about two o'clock p. m. of the same day they saw the Neapolitan in flames, burned by the aforesaid steamer Sumter.

And these appearers again most positively declare that their late bark Neapolitan was within one and a half mile of Ceuta and the coast of Morocco, or certainly a very long way within cannon-shot at the time she was boarded and seized by the Sumter.

ANDREW BURDITT.
JACOB DOYLE.
EDWARD HOUDLITT.

Declared, at Gibraltar, this twenty-third day of January, one thousand eight hundred and sixty-two, by the said Andrew Burditt, Jacob Doyle, and Edward Houdlett, before me.

JAMES C. RELPH,
Notary Public, Gibraltar.

I certify that the foregoing writing contains a *verbatim* copy of the original document, duly registered in this consulate, and, as a *verbatim* copy of the original, is entitled to full faith and credit.

Witness my hand and seal of office, in Gibraltar, this 25th day of January, A. D. 1862.

HORATIO J. SPRAGUE,
U. S. Consul, Gibraltar.

Mr. Sprague to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, January 23, 1862.

SIR: I had the honor of addressing you on the 20th instant, with enclosures, relating to the arrival here of the steamer *Sumter*, and of her exploits within sight of this fortress.

I now come to hand you a copy of a telegram which was forwarded to your excellency on the following day, and also beg to enclose copies of further correspondence I have held with the British authorities on the subject of the rebel cruiser.

Up to this hour (3 p. m.) the *Sumter* has not been supplied with coal, and I hear the private companies for the sale of coal in this market have decided to refuse supplying her with any, and I herewith enclose a copy of a communication received from one of these companies to that effect.

As the *Sumter* holds very little communication with the shore, and only a boat's crew from her comes on shore at one time, it is difficult to obtain any accurate or reliable information respecting the probable movements of this unwelcome visitor, or the future intentions of her commander. Still I have reason to believe that a few days may yet transpire before she is able to proceed on her piratical cruise. She requires to put to pieces her condensing pipes, and may, if found really necessary, obtain the assistance of the dock yard.

She came into port with only one anchor and chain cable, and has lately supplied herself with new ones, which have been paid for by a commercial firm here named "Richard O. Joyce," agent, it is supposed, of some party in Cadiz, from whence the funds are received.

There is no doubt in my mind that the commander of the *Sumter* arrived here without any pecuniary means beyond what he took from the masters of the Neapolitan and *Investigator*; and it is generally credited here that the crew on board are discontented, and would willingly desert if an opportunity presented itself. The curious here have been visiting this vessel, and they receive very polite and marked attention from the officers on board.

Notwithstanding the assurance that an interval of twenty-four hours will be granted to American merchant vessels for leaving the port while the *Sumter* remains here, I am of opinion that nothing but the presence of federal armed cruisers in these waters would do away with the apprehensions and risks our merchant vessels are now experiencing by the appearance of the *Sumter* in this port or in its vicinity, and I sincerely hope your excellency may have it in your power to telegraph me that some armed vessels of the United States are already on their way to the Mediterranean.

As it appears that the bark *Neapolitan* was captured in the waters of Ceuta, I have already addressed the Spanish commander-in-chief of the naval forces at Algeciras on the subject, as per copy enclosed, and I have forwarded the particulars to our legation at Madrid.

Captain Burditt, of the *Neapolitan*, proceeds to the United States by first steamer, *via* Liverpool. In case your excellency should wish to communicate with him, his address will be at the Messrs. Baring Brothers & Co., of Liverpool.

Be pleased to communicate the contents of the present to our Secretary of State, forwarding its enclosures, and accept the assurances of my high consideration and respect.

HORATIO J. SPRAGUE.

His Excellency CHARLES FRANCIS ADAMS,
*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America, &c., &c., London.*

P S.—I enclose the protest of the master of the bark *Investigator*, of Searsport.

Mr. Sprague to Captain Warden.

GIBRALTAR, *January 21, 1862.*

SIR : The steamer Sumter still remains in this port. There are also several wind-bound American vessels in this bay, some of them likely to be towed out of the straits at any moment, and for the guidance of their masters I shall feel obliged if you will inform me at your earliest convenience what rules you intend to lay down or enforce on the occasion, in case any American vessels should leave port before the Sumter, or if the Sumter should be outside the port waiting to intercept them.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE,

United States Consul.

Captain WARDEN, C. B.,

Royal Navy, Senior Naval Officer, Dock Yard, Gibraltar.

Captain Warden to Mr. Sprague.

HER MAJESTY'S STEAM VESSEL CUCKOO,

Gibraltar, January 21, 1862.

SIR : I have the honor to acknowledge the receipt of your letter of this day's date, requesting to be informed what rules I intend to lay down or enforce as regards the departure of American vessels during the stay of the Sumter at this port, and to inform you, in reply, that I am at present in communication with the law officers of the crown and his excellency the governor on this subject, and that I will lose no time in acquainting you when a decision has been arrived at.

I have the honor to be, sir, your obedient servant,

FRED. WARDEN,

Captain and Senior Naval Officer.

HORATIO J. SPRAGUE, Esq.,

United States Consul, Gibraltar.

Captain Warden to Mr. Sprague.

HER MAJESTY'S STEAM VESSEL CUCKOO,

Gibraltar, January 21, 1862.

SIR : I have the honor to acknowledge the receipt of your letter of this day's date, requesting to be informed what rules I intend to lay down or enforce as regards the departure of American vessels during the stay of the Sumter at this port, and to inform you, in reply, that I am at present in communication with the law officers of the crown and his excellency the governor on this subject, and that I will lose no time in acquainting you when a decision has been arrived at.

I have the honor to be, sir, your obedient servant,

FRED. WARDEN,

Captain and Senior Naval Officer.

HORATIO J. SPRAGUE, Esq.,

United States Consul, Gibraltar.

Captain Warden to Mr. Sprague.

HER MAJESTY'S STEAM VESSEL CUCKOO,
Gibraltar, January 23, 1862.

SIR: With reference to your letter of the 21st instant, on the subject of the protection to be afforded to the merchant shipping of the United States at Gibraltar during the stay of the Sumter in this port, I have the honor to enclose for your information and guidance extracts from the correspondence which has taken place on that subject.

Commander Semmes was informed by me that a decision had been arrived at, "That American merchant vessels quitting Gibraltar whilst the Sumter is in the bay are entitled to a start of twenty-four hours before being pursued with a hostile intention, and that it is the duty of the authorities concerned to see that such protection is extended over them."

And in his reply of the same day he states:

"That the Sumter will not pursue within twenty-four hours of her departure any vessel of the United States that may leave the bay of Gibraltar."

I have the honor to be, sir, your most obedient servant,

FRED. WARDEN,
Captain and Senior Naval Officer.

HORATIO J. SPRAGUE, Esq.,
United States Consul, Gibraltar.

Captain Warden to Mr. Sprague.

THE MOUNT, *January 23, 1862.*

MY DEAR SIR: I have an assurance from Commander Semmes to the following effect:

"The Sumter will not pursue within twenty-four hours of her departure any vessel of the United States which may leave the bay of Gibraltar."

I will send you extracts of the correspondence shortly.

Yours, truly,

FREDERICK WARDEN.

Mr. Smith to Mr. Sprague.

GIBRALTAR COAL COMPANY,
Gibraltar, January 20, 1862.

SIR: I have to acknowledge receipt of your note of the 18th instant, advising the arrival of the Sumter, and requesting that the Gibraltar Coal Company may not supply that steamer with coals. In reply, I beg to inform you that, having represented the circumstance to the directors, they desire me to inform you that, as the company has hitherto coaled the United States navy, they had resolved on not supplying the steamer Sumter with coals, and that they consequently feel pleased in having thus anticipated your wishes.

I am, sir, your obedient servant,

W. H. SMITH, *Manager.*

HORATIO J. SPRAGUE, Esq.,
United States Consul, &c., &c., &c.

Mr. Sprague to Mr. Adams.

[Per telegraph.]

JANUARY 21, 1862.

The Sumter is still here, evidently waiting funds. The British governor observes strict neutrality, in conformity with the Queen's proclamation.

HORATIO J. SPRAGUE.

MR. ADAMS, *American Minister, London.*

Mr. Sprague to Captain Izquierda.

[Translation.]

CONSULATE OF THE UNITED STATES,

Algeciras, January 21, 1862.

DEAR SIR: According to depositions made at my consulate, in Gibraltar, by Captain Burditt, who commanded the American brig-bark Neapolitan, said vessel was captured on the morning of the 18th of the present month, at only half a league distance from the fortress of Ceuta, by the rebel steamer Sumter, which steamer had the evening before come out from the port of Cadiz. Well convinced as I am that the government of her Catholic Majesty is far from permitting its jurisdiction to be insulted, I hasten to inform you of this act on the part of the steamer Sumter, that you may take the measures necessary for avoiding in future the repetition of so flagrant an action, and not allow Spanish waters to be the theatre of such acts of piracy.

I will tell you at the same time that the Sumter is at this moment remaining at anchor in the bay of Gibraltar, and I do not doubt she may shortly be off to continue her illegal occupation against the commerce of the United States.

God preserve you many years.

HORATIO J. SPRAGUE,

Vice-Consul of the United States of America

Captain J. DE DIOS R. IZQUIERDA,

&c., &c., &c., Algeciras.

Captain Izquierda to Mr. Sprague.

HEADQUARTERS OF THE SQUADRON OF INSTRUCTION,

Ship Queen Isabel II, Algeciras, January 22, 1862.

In reply to your esteemed communication of yesterday's date, which you in person delivered to me at 2 o'clock this afternoon, stating the capture of the brig-bark Neapolitan, under the American flag, made on the morning of the 18th instant, at only half a league from the fortress of Ceuta, by the rebel steamer Sumter, and moreover that for this reason you make the communication to me, it is my duty to say to you that, being instructed by the government of her Majesty, as well as by all the naval authorities along the shores of the peninsula and islands adjacent, to carry out scrupulously all the directions of the royal decree of the 17th of June of last year, published in the Madrid Gazette of the 19th of the same month, I shall maintain the most strict neu-

trality in the contest which the federal States of the Union carry on with the southern Confederate States, in conformity with such royal decree, by force whereof it is not possible for me to determine that any vessel of this squadron should go to visit or pursue the Sumter, even although she is at Gibraltar, and about to leave soon; and in case of her coming into the waters of Algeciras for any cause I shall act according to the provisions of the said royal decree, and what may be fitting in the case if an attempt be made to violate the maritime girdle of Spanish territory.

God preserve you many years.

JUAN DE DIOS RS. IZQUIERDA.

The VICE-CONSUL

Of the United States of America at Algeciras.

Protest of Charles G. Carver.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar.

Before me, Horatio Jones Sprague, consul of the United States of America for the port of Gibraltar, personally came and appeared this day Charles G. Carver, master of the American bark Investigator, of Searsport, who reported having sailed from Garrucha on or about the 6th of January instant, loaded with mineral ore and bound for Newport, England; that he experienced variable weather during the passage towards the Straits of Gibraltar; that on the 17th instant, at about seven o'clock in the morning, he made the Rock of Gibraltar, bearing W.S.W., distant fifteen miles, wind at the time being light and baffling from the westward; that the vessel was worked down towards the straits, when, on the following morning, while stretching towards Ape's Hill, a steamer was seen steering to the eastward, from the west, flying the ensign of the United States of America at her peak; at the same time the said appearant saw a bark ahead, distant about six miles south, supposed to be American; that soon after he saw the aforesaid steamer head towards the said unknown bark, and the said bark heaved to, with maintopsail back, and the steamer, after remaining near the bark for the space of about half an hour, steered towards his own bark; that the aforesaid steamer, after nearing her, hailed her and ordered the said appearant to heave to, and a boat was sent to him with orders that he should take his papers and proceed at once to the said steamer, which was accordingly done; that the said appearant then found that he was on board the south confederate steamer Sumter, commanded by R. Semmes; that after the said commander had examined the papers of the said bark Investigator, he informed the said appearant that he would not destroy his vessel, as he intended to do with the other bark he had just captured, (and which proved to be the bark Neapolitan, of Kingston, from Messina, for Boston,) provided the said appearant should execute a ransom bond in his favor for \$11,250; that if he refused that he would then certainly burn her also; that the said appearant then seeing no possible chance to save the said bark Investigator, or freeing himself or his crew from the hands of the aforesaid R. Semmes, was forced to sign the document required, which bond was made out by one of the officers on board the said steamer, and which he perceived was copied from another bond on the table of the cabin, which appeared to be of another vessel, previously captured, supposed to be the ship Montmorency; that after the said bond was duly signed, the said appearant was taken alongside of the American barque Neapolitan, previously captured by the said steamer Sumter, and after taking from her her master, Andrew Burditt, and the remainder of the crew, they were all put on

board the aforesaid bark *Investigator*, with orders to the said appearant that he could proceed on his voyage; that in the meantime the aforesaid steamer *Sumter* lowered the ensign of the United States of America and showed the flag of the southern confederation; that the said appearant was deprived by the commander of the said steamer *Sumter* of fifty-one dollars; that the bark *Investigator*, again in command of the said appearant, was filled away and proceeded to this port, where she anchored this morning at about four o'clock.

In consequence of the foregoing the said appearant hereby solemnly and publicly protests against the said steamer *Sumter*, her commander aforesaid, officers and crew, and all which in right ought to be protested against all losses, costs, damages, detriments, detentions, and expenses, which have or hath arisen, or which may accrue to the said bark *Investigator*, of Searsport, or the proprietors of the cargo, in consequence thereof.

This done and protested, the said Charles G. Carver hath hereunto set his hand, in Gibraltar, this nineteenth day of January, anno Domini one thousand eight hundred and sixty-two.

C. G. CARVER.

Sworn before me this 19th day of January, A. D. 1862.

HORATIO J. SPRAGUE,

U. S. Consul.

I certify that the foregoing contains a verbatim copy of the minutes of protest of C. G. Carver, master of the American bark *Investigator*, of Searsport, duly registered in this consulate, and, as a verbatim copy of the original, is entitled to full faith and credit.

Witness my hand and seal of office, in Gibraltar, this 21st day of January, A. D. 1862.

HORATIO J. SPRAGUE,

U. S. Consul, Gibraltar.

Mr. Sprague to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,

Gibraltar, January 25, 1862.

SIR: I beg reference to my communication of the 23d instant, with several enclosures relating to the *Sumter*.

Up to this hour (2 p. m.) this steamer remains quietly at anchor in this port, without taking in any coal, and I am assured she has only about two days supply on board.

She has unbent her sails and is painting, and it is generally believed will not leave port for some days; in the meantime our merchant vessels are sliding off to their respective destinations during the night, and I sincerely hope some federal vessel-of-war may soon appear here, to prevent any further trouble to our shipping.

Nothing further has transpired between this consulate and the British authorities with regard to the *Sumter* beyond what I had the honor of stating and forwarding to your excellency in my communications of the 20th and 23d instant.

The officers of the *Sumter* come on shore more freely, and are well received by the British garrison, who seem to take the "Times" newspaper for their text book.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE.

His Excellency

THE ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

of the United States of America, London.

Mr. Adams to Mr. Seward.

[Extract]

No. 112.]

LEGATION OF THE UNITED STATES,
London, February 7, 1862.

SIR: I regret to be compelled to inform you that the Nashville has escaped. As early as the 2d instant Captain Craven wrote to me from Portland of his intention to abandon the pursuit, and to turn his attention to the Sumter, at Gibraltar. I did not myself quite comprehend his policy of sailing in and out of so many ports, which ultimately gave the Nashville the opportunity to take the lead of him. Neither did the reason seem clear why he should have changed his purpose even before the Nashville started, instead of cruising outside in expectation of the chance to catch her. I presume, however, that he will himself make the case plain to the government. The impression here is that he suffered himself to be completely outwitted. He will doubtless lay the blame on the action of the government and people of this country. My own opinion is that if he had been a little more cool and quiet he would have fared better.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 192.]

DEPARTMENT OF STATE,
Washington, February 20, 1862.

SIR: Your despatch of January 30, No. 108, with the correspondence therein referred to, concerning the Nashville, the Tuscarora, and other matters, has been received. It does not appear to require any instructions from me at this time.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 195.]

DEPARTMENT OF STATE,
Washington, February 26, 1862.

SIR: Your despatch of February 7, No. 112, has been received.

Captain Craven has submitted to the Secretary of the Navy very full reports of his proceedings at Southampton, and the reasons upon which they were conducted. Until something further shall be known there would seem to be no urgent reason for my dwelling upon the subject in this correspondence. It is to be hoped that the pirates will find no sufficient encouragement to induce them to

continue their operations in European waters. The desperate condition of the insurrection in the ports and on the coasts of our own country will probably operate against extensive operations on their part abroad.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 117.]

LEGATION OF THE UNITED STATES,
London, February 20, 1862.

SIR: I have received this week despatches from the department, numbered from 171 to 177, both inclusive.

I transmit herewith copies of the correspondence between Mr. Sprague, the consul at Gibraltar, and the authorities at that place, in regard to the *Sumter*. I desire to bear testimony to the vigilance of that gentleman in apprising me of all the movements of that steamer, from the moment it entered the harbor. In his letter to me he alludes to the disposition of the English officials as adverse to the United States, a remark which may, perhaps, receive confirmation from the circumstance that his despatch came to London with the consular seal broken, and was sent to me revealed by the post office authorities here, with the fact attested on the envelope.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Freeling to Mr. Sprague.

SECRETARY'S OFFICE.

SIR: I am directed by the governor to inform you that his excellency has received a letter of complaint from Captain Semmes with regard to your conduct as United States consul, viz: that you have, by means of your emissaries, tampered with and seduced from their allegiance several of the crew of the *Sumter* who have visited the shore on liberty.

Captain Semmes particularly refers to Everett Salmon, John Jenkins, and Thomas Penny, three seamen of the *Sumter*, and he further states that you have persuaded some of his men to take refuge under your consular flag.

Captain Semmes adds that the evidence has come to him in a very satisfactory shape, and that he will be ready to produce it, if the allegation be denied.

The governor requests you will give me information on these points.

I have the honor to be, sir, your obedient servant,

S. FREELING,
Colonial Secretary.

HORATIO J. SPRAGUE, Esq.,
United States Consul, Gibraltar.

Mr. Sprague to Mr. Freeling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, February 11, 1862.

SIR: I have the honor to acknowledge the reception of your communication of yesterday's date, having regard to a letter from Captain Semmes, of the steamer Sumter, to his excellency the governor, complaining, as you inform me, of my conduct as United States consul, and stating that I have by means of emissaries tampered with, and seduced from their allegiance, several of the crew of the Sumter who have visited the shore on liberty; and further, that I have persuaded some of the men of the Sumter to take refuge under the flag of this consulate.

In reply, I beg to lay before you the following statement of facts, having particular reference to the three seamen whose names are mentioned in your letter.

On or before the 7th instant, a seaman belonging to the Sumter, by name "John Jenkins," presented himself at this consulate in an intoxicated state. He inquired for the American consul, and, as I was present, he claimed my protection as an American citizen, stating to me that he and many others were being forced to return on board the Sumter; that he preferred to die rather than return on board; that he was a Cape Cod man and wished to go back to his native place. I replied by telling him to go away and get sober, and that I would speak to him later. Upon this he left the consulate, and I immediately honored myself by calling upon the governor, accompanied, as you will doubtless recollect, by yourself. I then informed his excellency of what had been stated to me by "Jenkins," and which I have above detailed, and his excellency the governor thereupon promised that the seamen of the Sumter should not be ill-treated or forced on board against their will. That he would not permit the neutrality of this port to be violated, and that he would issue his orders accordingly. On the 7th instant two other seamen from the Sumter presented themselves at this consulate, one of them, I think, named Thomas Penny, and finding me there also claimed my protection, stating that they belonged to the city of New York. I instantly sent for a policeman, and requested him to take these seamen before the police magistrate with a note from me, (of which I beg to enclose a copy,) with which request the policeman complied. I am not aware of what took place before the magistrate with respect to these seamen. In about two hours a policeman came to this consulate, and in the name of the police magistrate brought to me another seaman belonging to the Sumter, called Everett Salmon, who had his face frightfully bruised, and who likewise claimed my protection as an American, and desired to be sent to his home. I immediately sent this man away, advising him to have his injuries attended to, and to conduct himself steadily and quietly.

Since the above occurrences I have had daily applications at this consulate from seamen of the Sumter, claiming protection, and in all cases desiring to be sent to their homes, and in every instance I have sent them to the police office, there to prefer their complaints (if any) or to relate their cases, and I have at the same time informed them that this being a neutral port I could not become security for their residence here, or at the present moment take steps for sending them to America.

Beyond what is above stated, and always recommending to them, on the occasions referred to of their visits to this consulate, peaceable conduct in the town, I have never had, or, indeed, desired to have, any communication, directly or indirectly, with the crew of the Sumter; their coming to me and absence from

their vessel being purely voluntary, and wholly, to the best of my knowledge, unconnected with persuasion of any kind.

I trust that the above statement will alone relieve me from any suspicions that his excellency the governor might entertain as to the possibility of my acting or desiring to act in the manner pointed out by Captain Semmes; but if this should not be the case, I would respectfully solicit from his excellency that he will do me the justice to cause each of the seamen in question to be examined, and then satisfy himself that, as the representative at this port of the United States of America, I have acted, in a position which is not devoid of difficulty, as honorably and judiciously as the circumstances of the case would warrant.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE,

United States Consul.

Captain S. FREELING, R. A.,

Colonial Secretary, &c., Gibraltar.

Mr. Sprague to Police Magistrate at Gibraltar.

CONSULATE OF THE UNITED STATES,

Gibraltar, February 7, 1862.

SIR: The accompanying two seamen have just called at this consulate, claiming the protection of the United States government, and stating that they do not wish to return on board the Sumter, to which vessel they belonged. They will relate their own tales to you, and I beg respectfully to solicit for these men all the privileges which a neutral port can afford them.

I am, sir, your obedient servant,

HORATIO J. SPRAGUE,

United States Consul.

The POLICE MAGISTRATE, &c., &c., *Gibraltar.*

Mr. Seward to Mr. Adams.

No. 196.]

DEPARTMENT OF STATE,

Washington, February 27, 1862.

SIR: I have just received from Mr. Morse, our consul at London, the information, carrying some appearance of probability, that the agents of the insurrection at London and Liverpool are engaged in preparing a whole fleet of piratical privateers to depredate on our commerce in European waters. The Secretary of the Navy will, doubtlessly, immediately consider what can be done to protect this commerce.

But I confess to an apprehension that something is necessary to be done by the British government, and it seems to me it cannot rightfully be refused under present circumstances.

The British government, near a year ago, decided to concede to the insurgents the privileges of a belligerent power. The effect has been to invite the pirates across the Atlantic, and to seek the necessary shelter in British ports. Such have been the cases of the Nashville and the Sumter. Under that system, if the statements submitted by Mr. Morse are true, a piratical fleet is now actually being prepared in the ports of the British islands.

Indications of proceedings on the part of the pirates rendered it necessary that

we should appear with armed vessels in the same waters to protect our commerce. The British government, apparently annoyed by the transfer of our conflict to her own vicinity, has now made an order, in which, placing our national vessels on the same footing with the privateers, she denies to either entrance into her ports, except in distress, and then a stay limited to twenty-four hours, with privilege of supplies of coal sufficient to reach the American coast. As coal cannot be carried across the ocean sufficient for supplies which a steamer requires in European waters, our vessels are thus effectually prevented from meeting the piratical fleet which it is reported is to be sent out from the British ports. Moreover, the British public have not, without reason, objected to the maintenance of privateer agents in Great Britain to watch and detect their operations. To attempt to maintain such agents there, after these complaints have reached us, would seem to involve a breach of courtesy. Does not it then devolve upon Great Britain herself to enforce in her own ports the ordinance of neutrality that she has proclaimed? Can piratical vessels be permitted to be launched from her own island ports, upon their destructive missions, without giving us just reason to suppose that the neutrality actually practiced is, though not designed to be fraudulent neutrality, more injurious to us than open hostility would be?

If the answer heretofore given you shall still be repeated, that the existing municipal laws permit no adequate measures of prevention, can Great Britain justly exclude us in this case from such privileges in her ports and waters as would be necessary for our own defence against the armed pirates issuing from them?

It is not in my power—it would even be disrespectful to the British government were I to attempt to indicate what measures are proper or even possible for that government to adopt. It would seem enough for us to bear that British subjects and British vessels carry on from British ports trade in violation equally of the British proclamation of neutrality and our proclamations of blockade, and yet it seems to be expected that we shall answer at once for the inefficiency of the blockade, and excessive vigor in maintaining it. This new feature of pirates fitting out under these changed circumstances in British ports, and sallying thence to destroy our unarmed vessels, without allowing us either the facilities for preventing it ourselves or the intervention of the British government, if allowed to be imprinted upon the face of this great transaction, would tend to alienate all sympathies whatever existing between ourselves and the British government and people.

For our own part, we must remain in the belief that the cause, and the only cause, of all the misapprehensions and embarrassments which have occurred affecting the two countries was an unnecessary and premature concession of belligerent rights to the insurgents. Nor do I know how just such mischiefs as are now apprehended can be prevented in any way other than by revoking that concession. The time is favorable to that revocation. Let Great Britain resume the relations she held to us when this attempt at revolution occurred, the revolution, already rapidly declining, would in that case become extinct at once. Much might yet be restored, and speedily restored, too, of that commerce so useful to both parties which the insurrection has suspended. Much might yet be regained of that friendship and fraternal feeling which only so recently were regarded by both parties as auspices of their permanent security in all their relations, and of the advancement of that civilization throughout the world to whose progress both of them are pledged.

But I return to the immediate subject.

Not one of the privateers alleged to be fitting out in British waters can find a home or even transient shelter in American waters. They would not be fitting out in Great Britain if they could get to sea when prepared by the insurgents

here. If allowed to be fitted out there under such circumstances, will Great Britain claim that the proceeding is sanctioned by the law of nations?

Mr. Morse will, on your demand, report his information to you. You will scan it carefully, and if you find reason to believe that it is authentic, and that the danger he apprehends exists, you will bring the subject to the notice of Earl Russell, and ask his serious consideration upon it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

FRANCE.

Mr. Seward to Mr. Dayton.

No. 116.]

DEPARTMENT OF STATE,
Washington, February 20, 1862.

SIR: Your despatch of January 20 (No. 105) was received, although after long delay. It is hoped the new regulations adopted by the British government will reassure the merchants and seamen who are so justly annoyed by the presence of the pirates in European waters. In the late complication of our affairs in Europe we could only remonstrate with the British government against the shelter allowed to the depredators on commerce, and send out such of our own vessels as we could spare for its protection.

Your course in relation to the matter is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

WILLIAM L. DAYTON, Esq., &c., &c., &c.

SPAIN.

Mr. Perry to Mr. Seward.

No. 19.]

LEGATION OF THE UNITED STATES,

Madrid, January 4, 1862.

SIR: I have a telegram saying the privateer steamer Sumter has just cast anchor at Cadiz, coming from Rio de Janeiro. On the way she has destroyed three vessels, and has forty-two prisoners on board.

I have seen Mr. Calderon, who promised me to immediately telegraph the authorities at Cadiz to apply the provisions of the royal decree of June 17 with vigor. I have myself sent a telegram to our consul at Cadiz, of which this is a copy—translation:

“Apply immediately to the authorities to put in practice with all vigor the royal decree of June 17, 1861, with that privateer. The government promises me that it will on its side communicate a like order. The Sumter must release the prisoners, as did the Nashville at Southampton. No Spanish authority can permit within its jurisdiction to preserve either prizes or prisoners.”

I have telegraphed to Mr. Dayton, at Paris, to advise our captains on the Mediterranean, as also to Mr. Marsh, in Italy, and to consuls at Barcelona and Alicante. The British fleet in this sea has moved down to the straits of Gibraltar.

Yours, with great respect, &c., &c., &c.,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD, &c., &c., &c., *Washington.*

Mr. Seward to Mr. Perry.

No. 5.]

DEPARTMENT OF STATE,

Washington, January 31, 1862.

SIR: Your despatch of the 4th of January, which gives an account of the proceedings of the Spanish government in the case of the Sumter and the American citizens whom she carried into Cadiz as prisoners, has been received. The President is very favorably impressed by the promptness with which Mr. Calderon Collantes has applied in that unhappy affair the principles of the royal proclamation.

You will seek a proper occasion for making these sentiments known to the minister of foreign affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., *Madrid.*

Mr. Perry to Mr. Seward.

No. 21.]

LEGATION OF THE UNITED STATES,
Madrid, January 8, 1862.

SIR: I had the honor to inform you hastily on the 4th instant (same day on which the last mail for America left Madrid) of the arrival of the privateer steamer Sumter in the bay of Cadiz, with a copy of my first telegraphic instructions to the consul at that port; also, that I had had an interview with her Majesty's minister of State, who had promised to take care that the provisions of the royal decree of June 17 were strictly adhered to by the Spanish authorities at Cadiz.

I have now the honor to lay before you the correspondence, telegraphic and written, which has passed through this legation on the subject. My instructions to the consuls at Cadiz have been promptly and intelligently carried out, so far as I can judge at this moment.

You will perceive that my first object has been to secure the release of the prisoners the Sumter brought with her, and at all hazards to prevent her leaving port again with them on board. I am still ignorant of the details of what has happened at Cadiz, but to-day's telegram informs me that the men are safe in the hands of our consul, in pursuance of the orders transmitted by this government, at my instance, to the authorities at that port.

As to my notes to Mr. Calderon, I ought to say that it is not my custom to address this government on any important matter in other than the English language; but the time lost in translating, and the urgency of this occasion have induced me to write in Spanish, and put the original notes immediately into the hands of the minister.

Another motive on the 7th instant was the advantage of commenting upon the sense of the royal decree of June 17 in the same language in which it is written; thus the phrase "*armar un buque*," employed in the first article of the decree, signifies not merely to arm a vessel, but also all that we understand by the phrases to fit out or prepare a vessel for sea.

Mr. Calderon not having replied to that communication, I learned that, though the authorities at Cadiz had, in fact, ordered the Sumter to go to sea, the captain of the vessel had refused to go, alleging the necessity of repairs before he could sail. Fearing that the Spanish authorities might yield to his request, immediately upon the receipt of the telegram of to-day from Mr. Eggleston, I returned him the telegraphic instruction to enter formal protest against any kind of repairs being done to the Sumter as contrary to the provisions of the royal decree of June 17, and offensive to the government of the United States.

I sought also an interview with Mr. Calderon, but he has not been at his department to-day nor yesterday; so I immediately communicated this telegraphic correspondence to him in writing, with the note of to-day.

MADRID, *January 11.*

Your attention is called to the telegram received yesterday from Cadiz.

Last evening, 10th instant, Mr. Calderon sent me a request to meet him at the Department of State, which I did at 10 o'clock, when a conference of nearly two hours took place, in which Mr. Calderon began by an effort to convince me that the Spanish government was perfectly justified in allowing the Sumter to be repaired at Cadiz, according to the provisions of the royal decree of June 17, 1861.

I maintained the ground I had taken in my note of the 6th instant on the text of that law itself, telling Mr. Calderon, also, that if the Spanish ports were to serve for repairing and getting ready for sea again southern privateers, after they

had become useless on account of injuries sustained by the elements or by battle, it was practically much the same thing to the United States as if they should be fitted out new in these ports.

He told me that the *Sumter* was in a very bad condition, leaking badly, and that if I were to allow her to go into dry dock and make all the repairs she needed and wished to make she would hardly get out again, perhaps, before the end of the war. I replied that I considered the material benefit or loss to the United States, whether she was repaired or not, of small comparative moment; the principle was what my government could not assent to. He said that though the captain had asked for great repairs, the captain general had replied that the vessel could not be repaired, except the barely sufficient to enable her to navigate and get to sea again as soon as possible; this was the interpretation put upon the third article of the royal decree. I replied that I should very much regret a failure to come to a common understanding of this article, which was, as shown by its context, a provision of what should be done in case of a vessel's not being able to go to sea in twenty-four hours on account of the state of the weather, but not on account of any inability arising from the state of the vessel itself. But leaving this article aside, I took ground rather on the broad provisions of the first article, that no privateer vessel could be fitted out, provisioned, or equipped in any Spanish port, though the word *repaired* was not there; still this covered the whole ground of every operation which it was necessary to perform on a vessel to prepare her for the sea, and it was practically the same to us whether the vessel were first fitted out, provisioned, and equipped in a Spanish port, or if, after her first fitting out, provisioning and equipment had become useless, she should the second time be put in condition to continue her hostilities against the government of the United States. I asked Mr. Calderon if in case the damages of the *Sumter* had been caused by a conflict with a United States man-of-war off Trafalgar, and she had thus been able to get into Cadiz in a disabled condition, whether the Spanish government would allow her to be repaired and put again in perfect condition to go out and fire again upon our flag? Mr. Calderon replied that he had no doubt of it; so far as repairs upon the vessel were concerned, the Spanish government could not refuse this to any vessel; but so far as her armament and war munitions were concerned, she could not renew or repair them in a Spanish port; he put the *Sumter* on the same footing as any other of the southern vessels, all of which are pursued by our cruisers; but it was a duty of humanity in Spain to allow them to repair in her ports, and such a thing as forcing any mariners to go to sea in an unseaworthy vessel her Majesty's government could not do. I replied that the government of the United States did not expect Spain to fail to any duty of humanity, nor to force any mariners to go to sea in an unseaworthy craft. We had never said anything against the merchant vessels of the southern States being repaired in Spanish ports, but what I claimed as the right of the United States under the law which Spain had imposed upon herself was, that no armed privateer should leave the Spanish ports in any other or better condition than she entered them.

Spain fulfilled all the duties of humanity, affording the crew of a privateer the asylum of her ports to save them from perishing at sea.

If they did not choose to go out to sea again, as they had entered, they might stay under the protection of the Spanish flag; and indeed their ship, if she should be sold out of their possession into honest hands, or leave all her armament and munitions of war, laying aside all pretensions to being a war vessel or a privateer of the so-called Confederate States or of anybody else, returning really and honestly to her former condition of a merchant steamer, might perhaps be liable to capture by the navy of the United States, but she might then be repaired in Cadiz without contravening the royal decree of June 17.

But the necessary condition of this would be that she should never again go out of a Spanish port as a privateer or armed vessel in any sense.

Much conversation took place at this interview, not directly referring to this subject, upon the state of the question between the United States and England upon the condition of the armed conflict in the interior of the United States, upon the position of the United States in the question of San Domingo, and the general dispositions of that government towards Spain, and of Spain towards the United States.

As I arose to go I said, "Well, to return to our matter of the corsair steamer, it would indeed be sad if two governments, so sincerely desirous to maintain good relations as the United States and Spain, should not be able to understand each other practically on such a question as whether the Sumter should be repaired in a Spanish port or not."

Mr. Calderon would certainly give me credit personally for the most earnest desire to remove every cause of difficulty or complaint, and it was with this view only I took the course I did in this matter. I was well aware this was for Spain rather an embarrassing question than one of importance; but knowing the feeling of my own government, I could not allow the repairs upon the Sumter to be proceeded with without warning him of the manner in which that course would certainly be regarded at Washington.

He had already seen my telegraphic instructions to the consul at Cadiz, which I hoped would be sufficient; but if not I should feel called upon, under my general instructions, to solemnly protest against the whole proceeding, reserving for my government to take such ulterior measures as it might think the case to require when the President should be informed of all the circumstances. Mr. Calderon, however, interrupted me, saying that I could not yet protest; that the government had only ordered a survey of the condition of the Sumter to be made by their officers, to see what was her true state; that the papers would not be here until to-day or to-morrow; that the government, in view of all the data which its authorities should transmit, would then consider the question, and he (Mr. Calderon) would then reply to my notes of the 6th and 8th instant; that then I might protest if I should see cause, but not until then. He (Mr. Calderon) was clear upon one point: that the vessel as a vessel could be repaired, but the subsequent question whether she could again sail from Cadiz as an armed privateer was what must be decided. I immediately assured Mr. Calderon that I was in no haste to do anything except to maintain a perfect good intelligence and the most pleasant relations between this legation and her Majesty's government.

The manner of the minister throughout this interview was that of a person sincerely desirous to avoid cause of difficulty between the two governments, and the whole interview was marked by a frank and friendly tone on the part of both interlocutors.

On leaving I cordially shook hands with Mr. Calderon, hoping that a means would be found to avoid every cause of complaint. On returning to my house I found the telegram announcing that our consul had entered his protest as instructed. I cannot too much urge upon your attention the necessity for two or three of our fast steaming gunboats in these seas.

The Sumter is partially disabled and unseaworthy already, and, with the advantage of the electric telegraph through all these coasts, could easily be caught or blockaded at Cadiz or elsewhere. You will remark the telegrams from Mr. Sprague at Gibraltar.

Seamen are apt to discover two corsairs where there is only one, but it is not quite clear whether another privateer is not at this moment cruising off the straits of Gibraltar.

With sentiments of the highest respect, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

P. S.—At a late hour I am able to enclose copies of the telegrams Nos. 19, 20, 21, and 22, of to-day.

The result is still doubtful, though I am afraid something will be done to stop the leak of the Sumter, more with a view to get rid of her than anything else.

The press will also make some demonstration on this subject, according to indications to-night.

PERRY.

[Translation of telegram No. 1.]

Official.]

CADIZ, *January 4, 1862, 11.10 a. m.*

An armed rebel steamer has just anchored. It is thought to be the Nashville.

SMITH, *Consul.*

The CHARGÉ D'AFFAIRES OF THE UNITED STATES, *Madrid.*

[Translation of telegram No. 2.]

Official.]

CADIZ, *January 4, 1.40 p. m.*

The steamer is the Sumter. She comes from Rio Janeiro. Has destroyed three vessels on the way. Has forty-two prisoners on board.

SMITH, *Consul.*

The CHARGÉ D'AFFAIRES OF THE UNITED STATES, *Madrid.*

[Telegram No. 3.]

MADRID, *January 4, 1862.*

Go immediately to the authorities, that they put in force the royal decree of June 17, 1861, with that privateer.

The government promises me to communicate this order as well.

The Sumter must free the prisoners, as did the Nashville in Southampton.

No Spanish authority can permit her either to keep property or prisoners.

PERRY.

The CONSUL OF THE UNITED STATES, *Cadiz.*

[Telegram No. 4.]

MADRID, *January 4, 1862.*

The rebel steamer Sumter is at Cadiz, just arrived from Brazil. Has destroyed three vessels, and has forty-two prisoners on board.

PERRY.

ADAMS, *Minister of United States, London.*

[Telegram Nos 5 and 6.]

MADRID, *January 4, 1862.*

The privateer Sumter has arrived at Cadiz, having destroyed three vessels, and with forty-two prisoners on board.

HORATIO J. PERRY.

MINISTER OF THE UNITED STATES, *at Paris—at Turin.*

[Telegrams Nos. 7 and 8.]

MADRID, *January 4, 1862.*

The privateer steamer Sumter has anchored in the bay of Cadiz; she comes from Rio Janeiro; has destroyed three vessels on her voyage; has forty-two prisoners on board.

Notify our captains.

HORATIO J. PERRY.

CONSUL OF THE UNITED STATES, at *Barcelona—at Alicante.*

[Translation of telegram No. 9.]

Official service.]

MADRID, *January 5, 11 a. m.*

I have placed those citizens suffering duress under the protection of her Majesty the Queen of Spain. Notify the authorities of that port that they will be held responsible if those persons are permitted to be taken out of their jurisdiction without an order to that effect from her Majesty's government.

HORATIO J. PERRY.

THE CONSUL OF THE UNITED STATES.

[Translation of telegram No. 10]

Official.]

CADIZ, *January 6, 1.45 p. m.*

The Sumter will be released from quarantine to-morrow. The prisoners will be immediately delivered up.

J. SOMERS SMITH, *Consul.*

H. J. PERRY,

Chargé d'Affaires of the United States.

[Translation of telegram No. 11.]

BARCELONA, *January 5, 1862.*

Despatch received. A single vessel in this port. I am ready for the Sumter.

JOHN ALBRO LITTLE,

United States Consul.

Mr. HORATIO J. PERRY,

Chargé d'Affaires of the United States.

[Translation of telegram No. 12.]

CADIZ, *January 9, 1862.*

Prisoners in my possession. Sumter in bay. Has asked dry dock of the captain-general.

E. S. EGGLESTON.

Mr. HORATIO J. PERRY,

Chargé d'Affaires of the United States.

[Translation of telegram No. 13.]

MADRID, *January 9, 1862.*

Protest formally before the captain-general against all kinds of reparation to the privateer Sumter, as contrary to the sense of the royal decree of June 17, 1861, and offensive to the government of the United States. The vessel must

leave in the same state in which she entered, or else she must abandon her outfit as a privateer.

HORATIO J. PERRY.

Mr. EGGLESTON,
Consul of the United States, Cadiz.

[Translation of telegram No. 14.]

CADIZ, *January 10, 1862.*

I have protested agreeably to instructions. Sumter in the bay. I shall send the results to-morrow.

E. S. EGGLESTON,
United States Consul.

Hon. HORATIO J. PERRY,
United States Chargé d'Affaires.

[Telegram No. 15.]

SAN ROQUE, *near Gibraltar, January 10, 1862.*

Sumter seen yesterday coming, twenty miles southeast of Cape Vincent.
SPRAGUE.

Mr. PERRY.

[Translation of telegram No. 16.]

MADRID, *January 10, 1862, 11.30 p. m.*

The Sumter is at Cadiz. News this afternoon. Give notice if there should be another privateer.

HORATIO J. PERRY.

CONSUL OF THE UNITED STATES, *Gibraltar.*

[Translation of telegram No. 17.]

MADRID, *January 10, 1862:*

Where is the Sumter? What repairs are there? Reply forthwith.

HORATIO J. PERRY.

CONSUL OF THE UNITED STATES, *Cadiz.*

[Translation of telegram No. 18.]

BARCELONA, *January 10, 1862.*

What are the names of the vessels destroyed by the Sumter, and how long will she remain at Cadiz?

JOHN ALBRO LITTLE,
Consul of the United States.

Mr. HORATIO J. PERRY,
Chargé d'Affaires of the United States.

[Telegram No. 19.]

SAN ROYAL, *near Gibraltar, 11 de Enero de 1862, 2h. 30m.*

Report about Sumter incorrect. She is still at Cadiz.

SPRAGUE.

Mr. PERRY.

[Translation of telegram No. 20.]

CADIZ, January 11, 1862.

I do not yet know, officially, whether they will allow the *Sumter* to use the dock. There is a rumor that she will enter to-morrow. If this happens, I believe it will only be to undertake the reparations which are indispensable for the security of the crew.

E. S. EGGLESTON, *Consul*.H. P., *Chargé d'Affaires of the United States*.

[Translation of telegram No. 21.]

CADIZ, January 11, 1862.

I have first protested before the military governor, who told me that the civil governor is charged with this affair.

I have just received a communication from the civil governor, in which he says that there is no motive in his acts relative to the *Sumter* upon which I can found my protest, and therefore he does not take it into consideration.

E. S. EGGLESTON,
United States Consul.H. P., *Chargé d'Affaires of the United States*.

[Translation of telegram No. 22.]

MADRID, January 11, 1862.

If there is no repairing of the privateer there is no occasion for the protest, but if she is to be repaired, enter again your protest, with firmness.

As a privateer, that vessel cannot be repaired. As a mercantile vessel, without arms, there is no question. She must lay aside her character of privateer before she can be repaired, and if she is repaired she can never, according to law, leave the Spanish port again, armed and equipped as a privateer.

Humanity exacts no more than the asylum of the port for the crew. It does not ask that they should be again fitted out as corsairs.

HORATIO J. PERRY.

CONSUL of the *United States, Cadiz*.

Mr. Perry to Mr. Calderon Collantes.

[Translation.]

LEGATION OF THE UNITED STATES,
Madrid, January 4, 1862.

SIR: I have learned that the armed steamer which has cast anchor in the port of Cadiz is the privateer *Sumter*, which comes from the coast of Brazil, and that she has destroyed three vessels on her way, and brings on board forty-two prisoners, peaceable people who were navigating without arms, under the flag of the United States.

According to the royal decree of June 17 last past, no privateer can receive assistance in the Spanish ports, nor preserve prize nor prisoners within the Spanish jurisdiction.

When the *Nashville* entered Southampton in like circumstances the English authorities obliged her to set at liberty her prisoners, and I am not yet aware how grave may be the reclamations of my government addressed to that of England on account of what has taken place with regard to that vessel.

The forty-two prisoners brought within the Spanish jurisdiction at Cadiz are

good citizens of the United States, detained against their will, in violation of the laws of the United States and of those of Spain, in whose jurisdiction they now are.

I claim, therefore, the protection of the authorities of Cadiz for these citizens of the United States, and that they be placed as soon as possible at the disposal of the consul of their nation at that port, not consenting that it be permitted to anybody to carry away out of the Spanish jurisdiction these persons without crime, and who claim the protection of her Majesty the Queen of Spain, unless it shall be by express order of the government of her Majesty.

This occasion affords me the pleasure of repeating to your excellency the assurance of my most distinguished consideration.

HORATIO J. PERRY.

Mr. Perry to Mr. Calderon Collantes.

[Translation.]

LEGATION OF THE UNITED STATES,

Madrid, January 4, 1862.

SIR: I beg your excellency to be pleased to order that the enclosed communication be placed as soon as possible in the hands of his excellency the judge protector of strangers in this kingdom.

I have the honor to renew to your excellency the assurance of my most distinguished consideration.

HORATIO J. PERRY.

The MINISTER OF STATE of *her Catholic Majesty*.

Paper cited.

EXCELLENCY: I have the honor to inform your excellency that there are at this moment on board the steam vessel *Sumter*, anchored in the bay of Cadiz, forty-two citizens of the United States, according to my information, detained against their will.

I have placed, and do place, them under the protection of her Majesty the Queen of Spain, in whose territories they actually are.

These are not people of war; neither have they taken, as I suppose, any part in the civil contest which unfortunately exists in that republic, but they are honest and peaceable citizens, far from their country and its questions, who find themselves barred from the protection of their consul in a Spanish port.

I therefore pray your excellency to make the jurisdiction of the port of Cadiz to be respected, and to make to cease all illegal violence towards these citizens of the United States, placing them at the disposal of the consul of their nation at that port.

And whilst this proceeding follows its course, I pray your excellency provisionally to instruct, with the promptitude the case requires, the authorities of Cadiz not to permit anybody to withdraw by force out of that jurisdiction these persons, whose will to remain is manifest, and who are, in fact, already within the power and under the protection of the government of her Catholic Majesty.

Trusting in the energy and good will of your excellency, I take advantage of this occasion, with pleasure, to renew to his excellency the Duke of Tetuan the most expressive assurance of my distinguished consideration.

God guard your excellency many years.

HORATIO J. PERRY,

Chargé d'Affaires of the United States.

His Excellency the PRESIDENT OF THE COUNCIL OF MINISTERS,

Minister of War, Judge Protector of Strangers.

Mr. Perry to his excellency the Minister of State of her Catholic Majesty.

[Translation.]

LEGATION OF THE UNITED STATES,
Madrid, January 6, 1862.

SIR: In consequence of what your excellency said to me in our interview of yesterday, to the effect that the privateer vessel *Sumter* had arrived at the port of Cadiz, with damages which she wished to repair, I ought to remind your excellency that, according to the royal decree of June 17 last past, no privateer vessel can be fitted out, provisioned, or equipped in the Spanish ports, whatever may be the flag which she displays.

To repair the damages of the *Sumter* in the ship yards of Cadiz, (putting her again in a condition to recommence her cruising on the seas in search of prize,) would be a violation, in terms, of this law, and a direct aid furnished to rebel citizens against the government of the United States.

According to article 3 of said royal decree this privateer, who comes with hands bloody from the destruction of merchant vessels sailing under the flag of the United States, and bringing captives and prize on board, ought not to have entered, and cannot remain in the port of Cadiz more than twenty-four hours; but if, from stress of weather, she cannot go out to sea, she will be watched by the authorities, and may not sell her prize, nor can she receive supplies for more than the moment, according to the time she remains in port, but in no way for the voyage or cruise which she intends to make.

But if, on account of damages sustained by the vessel itself, the privateer cannot keep the seas, nevertheless the Spanish ports cannot serve her for anything more than a refuge to save her crew from the shipwreck which threatens them, but in no means to fit out their ship anew, putting her in a condition to renew her hostilities against the United States, once the elements or any other cause have disabled her.

By the legitimate operation of article first of the royal decree, if by chance the crew of a privateer unseaworthy should not elect to take her out to sea again in precisely the same condition as when she entered port, in respect to everything which is understood by the expressions of to fit out and equip a vessel, that vessel would have to be sold or rot in port, but the crew would enjoy the asylum which they had reached under the Spanish flag.

Whilst I make these observations upon the signification of the royal decree, which has been accepted by my government as practically satisfactory, your excellency will not fail to perceive that I refrain from discussing this question in its general bearings and according to the right of the United States in their relations with a friendly power, for I have the satisfaction to say, with sincerity, that I do not mistrust the action which her Majesty's government proposes to take in this matter, but confide entirely in the enlightened judgment and good will which it is pleasing to recognize in the actual counsellors of her Catholic Majesty.

In this sense I take advantage of the occasion to renew, &c., &c.

HORATIO J. PERRY.

His Excellency the MINISTER OF STATE of *Her Catholic Majesty.*

Mr. Perry to his excellency the Minister of State of her Catholic Majesty.

[Translation.]

LEGATION OF THE UNITED STATES,

January 8, 1862.

SIR: I have the honor to transmit to your excellency the enclosed copies of a telegraphic correspondence between the undersigned and the consul of the United States in Cadiz, not doubting that the government of her Catholic Majesty will find these instructions in all respect conformed to the legal right established by the royal decree of the 17th of June, and that the authorities of Cadiz will proceed in accordance with the provisions of the same royal decree.

Yesterday I had the honor to address your excellency on this same subject, not doubting the conduct which the enlightened council of her Catholic Majesty proposes to follow, for I understand that no interest moves them to depart either from the resolution taken in the royal decree referred to or from that courtesy and good understanding with which they are wont to manifest their disposition towards the government of the United States, but merely to prevent any mistaken interpretation of their duty by the local authorities of Cadiz in regard to the privateer vessel *Sumter*, thus avoiding the reclamations, more or less grave, which might arise from any misunderstanding on their part.

And it is in this sense only that I now request your excellency to communicate to them such instructions as may seem best to the government of her Majesty.

I take pleasure on this occasion to renew, &c., &c.

HORATIO J. PERRY.

Telegrams enclosed in the foregoing note.

[Translation.]

CADIZ, *January 9, 1862.*

Prisoners in my power; *Sumter* in the bay. Has requested the dry dock of the captain-general.

E. S. EGGLESTON.

HORATIO J. PERRY,

Chargé d'Affaires of the United States.

[Translation.]

MADRID, *January 9, 1862.*

Protest solemnly before the captain-general against all kind of repairs to the privateer *Sumter* as contrary to the spirit and letter of the royal decree of June 17 and offensive to the government of the United States. The vessel must leave in the same state in which she entered, or else she must abandon her outfit as a privateer.

HORATIO J. PERRY.

MR. EGGLESTON, *Consul of the United States, Cadiz*

Mr. Smith to Mr. Perry.

UNITED STATES CONSULATE,

Cadiz, January 4, 1862.

SIR: I telegraphed you twice this morning, the substance of which I need not repeat, as I have your reply.

Immediately on learning that an armed vessel under the rebel flag had anchored in this port, I addressed the following communication to the military governor:

"An armed vessel, under the rebel flag of the southern States, has this moment arrived at this port. I expect that your excellency, in accordance with the friendly relations existing between the United States and Spain, and in conformity with the royal decree of her Majesty's government, will not permit said vessel to receive aid or assistance of any kind, and will compel her to leave this port within the time specified in said decree," &c., &c., &c.

In-reply, the governor informed me that he had telegraphed to Madrid for instructions.

I have this evening received a note from the governor, with a transcript of a telegram received by him from the minister of war, by which it appears that the civil governor is to receive instructions from the minister of the interior, the result of the deliberations of a council of ministers to be held this evening.

The vessel is at present in quarantine; she has forty-four prisoners on board. I shall take charge of them, if she is admitted, and send them to the United States by first opportunity.

These men, I understand, are the crew of three vessels destroyed by her on the voyage from Martinique to this port. She is short of coal, and wants to be docked, if permission can be obtained, which I shall do all in my power to prevent.

I was told by a person that was alongside of the Sumter that the captain inquired of him whether Mr. Ross, the southern commissioner, had arrived at Madrid.

At the same time I telegraphed you this morning I sent a despatch to Mr. Adams, at London, so the news is well on the way home.

I shall keep you advised from day to day.

I am, very respectfully, your obedient servant,

JOHN SOMERS SMITH,
United States Consul.

HORATIO J. PERRY, Esq.,
United States Chargé d'Affaires, Madrid.

Mr. Smith to Mr. Perry.

UNITED STATES CONSULATE,
Cadiz, January 5, 1862.

SIR: I received your telegram, and immediately called upon the military and civil governors and read to them your despatch, which I afterwards communicated to them in writing. They have not yet received the final orders from Madrid.

I think, from all that I can learn, that the Sumter will unquestionably be obliged to leave this port on sanitary grounds; the only question is, whether the prisoners will be permitted to land here in quarantine, or not. Should the government accede to their landing, they will have to be placed under quarantine for at least fourteen days in some hulk.

The Sumter is strictly watched by the authorities, and will only be allowed to move as the government at Madrid may determine.

I was informed by the civil governor to-day, during an interview I had with him, that he was expecting further instructions from Madrid, the substance of which he promised to communicate to me, extra-officially. Should I learn any-

thing further previous to the sending of this despatch, I will add it in a post-script.

I am, sir, very respectfully, your obedient servant,

JOHN SOMERS SMITH,
United States Consul.

HORATIO J. PERRY, Esq.,
United States Chargé d'Affaires, Madrid.

Mr. Smith to Mr. Perry.

UNITED STATES CONSULATE,
Cadiz, January 6, 1862.

SIR: I telegraphed you this morning that the authorities of this place, according to their instructions, have decided to admit the Sumter to-morrow, she having fulfilled three days required for quarantine, the prisoners to be handed over to this consulate. They consist of the crews of the ship Vigilant, bark R. W. M. Dodge, and schooner Arcade, at least as far as I can learn.

Mr. Eggleston having received permission to act, will take charge of this consulate to-morrow.

I am, very respectfully,

JOHN SOMERS SMITH.

HORATIO J. PERRY, Esq.,
United States Chargé d'Affaires, Madrid.

Mr. Little to Mr. Perry.

UNITED STATES CONSULATE,
Barcelona, January 5, 1862.

SIR: Your telegram of last evening reached me at 7 o'clock this morning, and I replied to you by telegraph, acknowledging the receipt of the same.

I went immediately to the port, and was fortunate enough to prevent the American schooner General Knox from leaving, as I had cleared her yesterday morning for Cadiz; she was just upon the point of getting up her anchor.

Will you please inform me the exact ground which the Spanish government has taken in regard to allowing privateers to enter within her ports?

I have called upon the captain-general, the commandante de marine, and the captain of the port, to be informed if the privateer Sumter would be allowed to enter the port of Barcelona for coal or provisions. They do not seem to be able to inform me what course they would pursue, but they assure me that all possible assistance shall be afforded me on such an occasion.

I have communicated your despatch to my consular agent at Tarragona, and instructed him to use the greatest care to prevent the Sumter from entering at that port.

Everything in my power shall be done to assure the safety of shipping, and I shall communicate freely with you upon this and other subjects.

Your obedient servant,

JOHN ALBRO LITTLE, *Consul.*

HORATIO J. PERRY, Esq.,
Chargé d'Affaires, United States Legation, Madrid.

Mr. Sprague to Mr. Perry.

CONSULATE OF THE UNITED STATES,
Gibraltar, January 5, 1862.

DEAR SIR: A telegram has this evening been received by a commercial house here from Cadiz, of this morning's date, at 9.40, as follows:

"Cruza por estas aguas un vapor Americano del sur."

I in consequence have telegraphed you as below, also to our legation at Paris and London, and have addressed our consuls at Malaga, Barcelona, and Tangier, so that they may inform our shipmasters and others concerned in the American trade and navigation as to what is going on.

The appearance of two federal gunboats in these waters would be very desirable for the protection of American property.

Yours, truly,

HORATIO J. SPRAGUE.

HORATIO J. PERRY, Esq.,

Chargé d'Affaires of the United States, Madrid.

[By telegraph.]

It is stated that a steamer from the south is cruising in the waters of Cadiz.

SPRAGUE.

Mr. PERRY, *American Legation, Madrid.*

Mr. Seward to Mr. Perry.

No. 6.]

DEPARTMENT OF STATE,
Washington, February 4, 1862.

SIR: Your despatch of January 8 (No. 21) has been received.

You will express to Mr. Calderon Collantes the satisfaction with which the President has learned that the American citizens carried as despoiled and plundered captives into the port of Cadiz by the insurgent pirates were restored to the protection of our flag.

I suspend further instructions concerning the admission of the Sumter into Cadiz until the final decision of the government concerning her demand to be allowed to repair shall be known. Meantime I trust Mr. Calderon Collantes will not think it unreasonable on my part when I ask the Spanish government to consider whether the toleration shown to the insurgents as a belligerent has not already been proved as injurious to the general interests of commerce and of civilization as it was unnecessary.

Why should we be obliged to send ships-of-war to protect our commerce in European waters against insurgents who have neither possession of nor control over a single outlet from our own coast?

Would Spain think herself justly treated if we should harbor buccaneers escaped from Havana or Porto Rico?

This toleration of pirates, sufficiently unreasonable when extended by other powers, seems of all others most unnatural on the part of Spain. Whose commerce suffers but that of the American people? Why does it suffer this outrage? Because the American people refused their sanction to the attempts of those who now are the insurgents to divest Spain of her island colonies in the Caribbean sea. If this insurrection could prevail and become an independent

maritime power, how long would those islands, so dear to Spain, be safe against the renewal of the rapacity which we have rebuked at the cost of attempted revolution? Why shall not Spain, emulous of a new and beneficent and glorious career, seize the pre-eminence of being the first of the maritime powers to retrace the hasty step of last June, and close her ports against those who are exasperated against their own government because it will not lend itself to their own evil aggressive designs against Spain and their war against human nature?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid*.

Mr. Perry to Mr. Seward.

No. 23]

LEGATION OF THE UNITED STATES,

Madrid, January 18, 1862.

SIR: I have the honor to enclose the note of Mr. Calderon Collantes in reply to mine of 4th, 6th, and 8th instant, on the subject of the privateer steamer *Sumter*.

This vessel left Cadiz last evening, having been peremptorily ordered out of the port by the military authorities of the place.

She was in dock only two days, and the newspapers say the repairs made upon her cost in themselves only seven dollars, being simply to stop a leak near the shaft of the screw. I have reason to believe that the firm stand made by this legation against permitting any the least repairs to this vessel whilst she preserves her character of an armed privateer have been effective to prevent the work which the corsair came into Cadiz to get done, though I regret it was not sufficient to send him out precisely as he came, or stop his piratical career at once.

I have time only by this mail to enclose a copy of my note of to-day to Mr. Calderon, in the original Spanish, but will send a translation to-morrow in hopes it will reach Liverpool in time for the mail steamer which bears this.

I enclose also copies of eight telegrams which have passed since my last despatch on this subject, (No. 21,) and have the honor to remain,

Sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Translation of telegrams—No. 1 to No. 8, inclusive.

[Telegram No. 1.]

SAN ROQUE, (*near Gibraltar*.)

Until now *Sumter* only privateer in these waters.

SPRAGUE.

Mr. PERRY, *Madrid, January 12, 1862.*

[Telegram No. 2.]

CADIZ, *January 13, 1862.*

Six of the crew of the *Sumter*, citizens of the United States, ask my protection, alleging that they are detained against their will.

E. S. EGGLESTON.

The CHARGE D'AFFAIRES of the *United States*.

[Telegram No. 3.]

MADRID, *January 13, 1862.*

Grant your protection to every citizen of the United States, provided he takes an oath of fidelity to the Constitution and the government.

HORATIO J. PERRY.

CONSUL *of the United States, Cadiz.*

[Telegram No. 4.]

CADIZ, *January 15, 1862.*

The Sumter entered into dock on Monday morning. I protested, agreeably to instructions. To-day she comes out of dock after being repaired.

E. S. EGGLESTON, *Consul.*CHARGE D'AFFAIRES *of the United States.*

[Telegram No. 5—in English.]

MADRID, *January 15, 1862.*

Sumter in dock at Cadiz, badly injured. Send us a war steamer.

HORATIO J. PERRY.

His Excellency the MINISTER *of the United States, London.*

[Telegram No. 6.]

MADRID, *January 18, 1862.*

Where is the Sumter? Tell me by telegraph what course she takes. Send me a written account of all they have done to her.

HORATIO J. PERRY.

CONSUL *of the United States, Cadiz.*

[Telegram No. 7.]

CADIZ, *January 18, 1862.*

The Sumter sailed at five o'clock yesterday afternoon. I am preparing a copy of my correspondence with the authorities, and of all my proceedings.

E. S. EGGLESTON.

The CHARGE D'AFFAIRES *of the United States.*

[Telegram No. 8.]

January 17, [19,] 1862.

What course did the Sumter take? What supply of coal has she? This is important.

HORATIO J. PERRY.

CONSUL *of the United States, Cadiz.*

Mr. S. C. Collantes to Mr. Perry.

[Translation.]

PALACE, *January 13, 1862.*

SIR: I have had the honor to bring to the knowledge of her Catholic Majesty the Queen the notes which you have thought proper to address me of the 4th, 6th, and 8th instant.

In the first you claimed the protection of the authorities of Cadiz for the citizens of the United States condemned on board the steamer *Sumter*, armed as a privateer, and coming from the south, and which entered that port in distress.

You asked at the same time that her Majesty the Queen should receive the said prisoners under her protection, and that they could not be taken from Spanish jurisdiction unless by an express order of the government.

In all these particulars the wishes you express have been satisfied, since, according to official communications from the civil governor of Cadiz, passed to the ministerial by that of the interior, the prisoners are already at the disposition of the consul of the United States in that port.

The government of the Queen could not with indifference see prisoners of a friendly country remaining on board of a privateer, and from that moment they hastened to give them all the protection which they had a right to demand, placing them under the control of the consul of their nation.

Thus I had the honor to explain to you by agreement of the government of her Majesty, and you having made no observations, and much less reclamations against the aid which necessity might demand should be given to the *Sumter* according to the terms of the royal decree of June 17, this affair seemed to have ended satisfactorily, and also according to the desires and sentiments by which both governments are animated.

Notwithstanding, on the 6th January, at a very late hour of the evening, you thought proper to address me another communication, in which, affirming that, according to the royal decree of June 17, no privateer could be armed, receive supplies, nor be equipped in Spanish ports, whatever might be the flag which she hoists, you hold that the reparation of damages in the ship yards of Cadiz, putting her again in a state to cruise the seas in search of prizes, would be a marked violation of the said royal decree and a direct aid lent to rebel citizens of the United States.

You cite in support of this opinion the 3d article of the royal decree, and maintain that the *Sumter*, carrying prize and captives on board, should not have entered and cannot remain in the port of Cadiz more than 24 hours.

According to your opinion, if the vessel, on account of damages, is not able to go out to sea, she will be watched by the authorities, and cannot receive supplies (of provisions) for more than the moment, but in no case for the voyage or the cruise she intends to make.

You continue to observe in your note that the Spanish ports cannot serve a privateer for more than as a shelter to the crew, and in no case to arm her and put her in condition to continue her hostilities.

Bringing the consequences of this reasoning to their extreme limit, you bring forward the opinion that according to article 1 of the royal decree, if the crew of a damaged privateer should not think proper to take her out to sea again exactly in the same state in which she was when she entered the port, she would be obliged to be sold or else rot in the same, the crew profiting by the asylum which they had found under the Spanish flag.

You consider that these opinions are so exact, and in accordance with the decree of June 17, accepted with so much satisfaction by your government, that you abstain from discussing the question in its general bearings, confident that the action of the government of her Majesty, in whose good will you recognize, will be guided always by the principles which it has expressed.

In the last note of the 8th January, transmitting me a copy of the despatch of the consul of the United States at Cadiz of the 9th instant, in which he informs you that the prisoners of the *Sumter* are in his power, and of a dry dock having been asked for of the captain-general of the department, and besides, of the instructions communicated by yourself to said consul to protest against all reparation of the vessel as contrary to the spirit and text of the royal decree of June 17 and offensive to the government of the United States, you ask that orders be given

to the authorities at Cadiz to avoid any error which might give place to reclamations more or less serious.

I should have replied with all punctuality to your notes, the contents of which I have just looked over, if in the conferences which I have had with you I had not had the opportunity of manifesting the opinions of the government of the Queen on the true signification of the royal decree of the 17th June, and its opinion respecting the above question when the affair produced by the arrival of the *Sumter* in distress in the port of Cadiz with prisoners of the United States seemed settled in a satisfactory manner.

Since by the foregoing you have thought it your duty to give to the consul of your nation in Cadiz an order to protest against all reparation of damages of the *Sumter*, considering what is due to the rights of the United States, I must also give in writing my answer to your communications, to avoid all misunderstanding, and continue in the system which all accredited representatives of her Majesty the Queen have adopted, of stating in this form the ideas and impressions of the government upon all questions and the difficulties which they bring with them, or which, existing beforehand, demand a prompt discussion.

The government of the Queen determined in the royal decree of June 17 the line of conduct which it proposed to follow in the unfortunate contest above named in the United States, the dispositions of which were received by the cabinet at Washington with visible manifestations of appreciation and satisfaction, in accord in every way with the principles which Spain professes on points of maritime right, and to the sentiments which always have animated her regarding the United States, it cannot give place to a conflict or difficulty of any kind, really serious.

It would, perhaps, suffice to raise misunderstanding or interpreting equivocally the articles of the royal decree, but each one of them contains dispositions so precise and independent among themselves, that it is sufficient to hold to view that which refers to a particular question, to resolve it without consulting the rest.

The article 1st, which you cite in your note of the 6th instant, is not applicable to the case of the *Sumter*. That refers to the arming, supplying, and equipping, of a vessel to go to sea for the first time, with the intention of acting as a privateer, and all the operations indicated are by it expressly prohibited.

It would be in effect a violation of the principle of neutrality, to authorize the arming of privateers in the ports of any nation which had declared itself neutral. It would be equally a violation to consent that the captains of merchant vessels grant letters of marque or contribute to the armament or equipage of vessels of war or corsairs, but at this point terminate all the prohibitions which the government of the Queen thought necessary, in order that the said Spanish should remain completely apart from the civil contests which afflict the United States.

Neither to arm, supply, or equip, nor obtain letters of marque, nor contribute to the armament and equipage of vessels-of-war or privateers, are acts permitted in the ports of Spain, nor to the proprietors and captains of merchant vessels.

The third article refers to another order of deeds, and therefore contains resolutions entirely independent of the foregoing. A vessel-of-war or privateer can enter into a neutral port voluntarily or by necessity. In the first case only to remain twenty-four hours in the port, holding prize.

In the second, that is, that of necessity, the vessel should go to sea the soonest possible, and the authorities will watch her to oblige her to it, without permitting her to take in more supplies than are necessary for the moment, but in no case of arms or munitions.

Damages to a vessel (*arribada forzosa*) then justifies her stay in port all the time necessary to put her in a state to return to sea, and the royal decree only

prohibits that she take in supplies of arms, of munitions, or objects of subsistence more than are necessary for the moment.

To condemn, as you claim it is disposed by the article mentioned, any vessel-of-war or privateer to go to sea in the same state in which she was when she entered the port, or that she rot, or that the captain sell her, would be to render all the dispositions by which civilized nations govern themselves completely useless, and to oblige neutrals to refuse to misfortune the shelter and the protection which humanity reclaim.

When a vessel has suffered damages, which make navigation impossible, to oblige it to leave the shelter which it has found is to suppress the right of asylum; it is placing before the neutrals the repugnant obligation of bringing inevitable shipwreck to the vessels which have sought with them a protection which can never be denied to misfortune.

One does not notice, when this occurs, either the flag which the vessel hoists or the cause which its crew defends. It is a question purely of humanity, and no people can forget the sentiments which it inspires or the duties which it demands.

Fulfilling these, one does not infringe neutrality, because equal aid, equal protection, and equal consideration is conceded to all vessels, wherever they may come from.

It is not correct, for the same reason, that a vessel entered into a port from distress cannot remain in it more than twenty-four hours; if she has come with prize, she will be obliged to free the prisoners, but she will have the right to repair her damages without being permitted to acquire new means of making her cruise as a privateer.

Such are the dispositions of the royal decree of the 17th June, and their application to the *Sumter* has been strict and severe.

The captain of that vessel asked for reparation in her upper works and in her decks, but after a scientific survey, scrupulously executed, it was found that such reparations were not necessary, and only those which were justified by an imperious necessity have been authorized.

The order has also been given that an immediate and incessant vigilance be kept up over the *Sumter*, and the authorities of Cadiz have for this appointed one of the coast-guard vessels of that department.

In this way the *Sumter* will not be able to supply herself with arms or ammunition, supposing that she need them, nor with the means of subsistence more than what is necessary for the moment, and, repairing the damages that she may be able to navigate again, she will be obliged to leave immediately afterwards. Not arming and equipping herself, then, for the first time to go to sea, having no need to disarm to be repaired, and this would be the most extreme case, there can be no doubt that article one of the royal decree on neutrality is not applicable to the *Sumter*, and that this case is only comprehended in the dispositions of the third, the signification and object of which I have had the honor to define.

I judge that these explanations will convince you and your government, to whose knowledge they should be brought, that the government of her Majesty has restricted itself closely to the prescriptions of the royal decree upon neutrality, and that thus no protest made against the acts and measures virtually accepted beforehand for such cases by the said government of the United States can be considered admissible.

I take this opportunity to renew to you the assurance of my most distinguished consideration.

S. CALDERON COLLANTES.

The CHARGÉ D'AFFAIRES of the *United States*.

Mr. Perry to Mr. Seward.

No. 24.]

LEGATION OF THE UNITED STATES,
Madrid, January 19, 1862.

SIR: The privateer Sumter left Cadiz the night of the 17th instant. Until this happened I did not wish to send in my reply to Señor Calderon's note of the 13th instant, a copy and translation of which were transmitted yesterday, lest some new incident might occur to vary the tone of my own note.

Having learned by telegram from the consul at Cadiz the departure of the corsair, I have sent in my note dated yesterday, and beg now to refer the whole business to your superior judgment. The copy and translation of my note are enclosed, and I hope will be approved. I ought to say, perhaps, that if it had not been for the example of what had taken place with the Nashville in an English port, I am confident that the Sumter would have been forced to go to sea from Cadiz as she came.

It is evident that very little was allowed to be done to her.

You will notice the telegrams of last evening and of this morning. It seems that this steamer destroyed two more vessels in the Straits of Gibraltar yesterday, and brings in their crews prisoners to that port.

When will a federal man-of-war appear in those seas?

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

B.

Mr. Perry to Mr. Collantes.

[Translation.]

LEGATION OF THE UNITED STATES,
Madrid, January 18, 1862.

SIR: Your excellency's note dated the 13th instant reached me the 14th, in the evening, and I now have the pleasure to repeat my appreciation of the humane and satisfactory action of her Majesty's government in the matter of the prisoners brought within Spanish jurisdiction by the privateer vessel Sumter.

I had this honor previously, in the interview which took place on the 6th instant, when it appeared to your excellency, according to this note, that the affair of the Sumter has terminated satisfactorily, as I had made formally no observations, much less reclamations, about the aid which necessity might exact should be furnished to that vessel.

In fact, it was precisely at this same interview that your excellency informed me, for the first time, that the captain of the Sumter had asked for aid for his vessel in the port of Cadiz, without indicating the determination which her Majesty's government proposed to take in the matter.

On the 4th January, (the day on which the Sumter anchored in the port of Cadiz,) your excellency had assured me that the government of her Majesty would not deviate from the provisions of the royal decree of June 17 for such cases.

I ought to be, and in fact was, satisfied with this declaration, until, in the interview of the 6th instant, your excellency introduced the question of repairs to this vessel in the way I have just stated.

Then, in order to prevent any difference of opinion as to how the law referred to ought to be applied in this case, I thought it my duty to lay before your excellency, in my note of the 6th instant, some observations upon the sense or interpretation of the royal decree of June 17—a sense in which that decree was practically satisfactory to the United States, and which thus made unnecessary any discussion of the international rights which, before the publication of that decree and always, belong to the United States in their relations with a friendly nation.

Without replying to those observations, as yet, in writing, nor to my communication of the 9th instant, (dated by mistake the 8th,) in which I enclosed to your excellency a copy of the instructions sent to the United States consul in Cadiz the same day, your excellency did me the honor to invite me to meet you at the Department of State in the evening of the 10th instant, and informed me verbally of what you now confirm in your note—that the interpretation given by the government of her Majesty to the articles of this royal decree was essentially different from that which, in the opinion of the undersigned, they ought to have, and consequently that the resolution taken by the government in regard to repairing the Sumter was distinct from that which the undersigned was glad to expect.

Meantime the consul of the United States protested on the 10th instant, before the authorities of Cadiz, against the granting of that aid which the privateer demanded, and, not being heard, protested again on the 12th instant, according to instructions which he received from this legation, of which a copy is enclosed.

On the 13th instant the Sumter entered the dry dock of the government navy yard at Cadiz.

These being the facts, and the rights of the United States being reserved by the protest of their consul in Cadiz, the question arises, whether the disagreement which I have just stated relative to the interpretation of the royal decree of neutrality, and in respect to aid furnished in Cadiz to rebel citizens of the United States occupied in making war upon their government, denotes any change of policy on the part of the government of her Catholic Majesty towards that of the United States, or indeed the intention to favor their enemies to the prejudice of the sovereignty of the government of the United States over every part of their territories, whether in peace or war, and over all their citizens, whether loyal or disloyal.

For it is one thing that the government of Spain, taking knowledge of the existence of a civil contest within the United States, should have declared that Spain wishes to maintain complete neutrality, neither taking, nor permitting her subjects to take, any part in that contest; and it would be quite another thing that, within the jurisdiction of this kingdom, aid should be given to the rebel citizens of the United States in refitting such of their privateer vessels as become useless, and putting them again in condition to carry on an odious war against unarmed vessels navigating under the flag of the United States.

And here I must confess that your excellency's note comes in to modify greatly the possible signification of the facts, considered apart from this frank and loyal explanation.

Your excellency has believed that what has been done with the Sumter was exacted by the supreme considerations of humanity, and that to condemn this privateer not to be repaired in a Spanish port would be to make useless all the measures by which civilized nations are governed, and to oblige neutrals to refuse to misfortune that asylum and protection which humanity claims.

And your excellency proceeds to make some observations upon the sacred duty of humanity, in which I take pleasure to say that I find myself completely agreed with your excellency, notwithstanding that their application to the case in question is not easy for me to understand.

Your excellency says that when a vessel has suffered injuries which make it

impossible for her to navigate, to oblige her to leave the shelter which she has attained is to suppress the right of asylum, is to impose upon neutrals the repugnant duty of delivering over to inevitable shipwreck those vessels which have sought with them that protection which is never denied to misfortune. And upon this, indeed, no debate is possible. But if by chance this indicates that your excellency has supposed that this legation or the consulate at Cadiz, which has probably acted according to the instructions, of which a copy goes enclosed, have pretended to any such proceeding on the part of her Majesty's government, I must hasten to correct so mistaken an apprehension.

The undersigned has claimed only that this corsair, who comes with bloody hands from the horrible scenes of piracy, in which he has destroyed our unarmed and peaceful vessels, should be forced to choose between keeping the asylum and the shelter of the port where he was already secure from shipwreck or to go away as he had come, but that there should not be furnished to him that aid which he was seeking, not to save himself from shipwreck, seeing that he was already in safety, but really in order to recommence his piratical exploits on the high seas.

The undersigned explained to your excellency, in the interview of the 10th instant, (and the enclosed instructions of the 11th instant to the consul at Cadiz correspond to this,) that in his opinion even the repairs which the vessel *Sumter* demanded might be made, but on condition that she should lay aside her armament as a privateer, and that if she should be repaired she could not be permitted to go to sea again from a Spanish port armed and equipped as a privateer; and this opinion, which in no way conflicts with humanity, and takes away nothing from that protection which is never denied to misfortune, the undersigned founded upon the provisions of the royal decree of June 17.

That decree says nothing, and therefore alters nothing, relative to the operations which it is lawful to perform upon unarmed vessels in the Spanish ports, and just as little would the government of the United States ever make question of the aid furnished to their unarmed vessels, whether the crews be loyal or disloyal. But the first article of said royal decree prohibits in terms to fit out, provision, or equip any privateer vessel in a Spanish port.

Your excellency says that this article is not applicable to the case of the *Sumter*, and it is true that the word to repair is not found in its text; but as your excellency recognizes that the terms employed embrace all the operations which are performed in order to prepare a vessel for sea, it is not necessary that it should be there, since no privateer vessel can be repaired without falling within the terms of the prohibition to fit out, provision, or equip that vessel. And practically it is of little importance to the United States that this be done for the first or the second time; at no time is what the undersigned has considered would be proper and conformable to that strict neutrality which it is the purpose of her Catholic Majesty's government to maintain.

But whatever be the interpretation given by her Majesty's government to the royal decree upon neutrality, of its good faith, in view of your excellency's note, I make no doubt. The merely material fact of whether the vessel *Sumter* is repaired or is not repaired in Cadiz, as also whether the work done upon her is much or little, can never have more than a secondary importance. The principle involved in the act is what chiefly interests my government.

And in this view I take pleasure to repeat that the tone and general signification of your excellency's note, and the declaration which I find in it, that what has been done with the *Sumter* is completely devoid of the intention to infringe the neutrality which her Majesty's government purposes to pursue in the painful contest which exists in the interior of the United States, confirmed also by the extreme vigilance and care manifested by the authorities of Cadiz to prevent the *Sumter* from augmenting her arms and munitions of war in that port, as well as by other facts indicative of the good will which has actuated the

government of her Catholic Majesty; these all are considerations and circumstances which the undersigned will call to the attention of his government with sincere satisfaction, cherishing also the not unfounded hope that they will merit from the President of the United States a reception in all respects conformable to the kind and friendly sentiments which the government of Washington is accustomed to manifest always in its relations with that of her Catholic Majesty. At the same time your excellency will permit me to cherish the hope that, having in view the position which the government of the United States occupies relatively towards the government of her Catholic Majesty and towards its own rebel citizens, on reviewing the terms of the royal decree of the 17th of June, your excellency will perceive the propriety that what has happened with the *Sumter* in respect to repairs, although its good intention be evident, should not serve as a precedent for future cases.

As I now refer all the circumstances of this case up to the superior appreciation of my government, it is with pleasure that I anticipate the expressive manifestation of its sense of the courtesy and energy of her Catholic Majesty's government in delivering over the privateer prisoners to the protection of their consul in Cadiz.

I avail myself of this occasion to renew to his excellency Don Saturnino Calderon Collantes the assurance of my most distinguished consideration.

HORATIO J. PERRY.

His Excellency the MINISTER OF STATE
Of Her Catholic Majesty.

[Translation of telegram.]

MADRID, *January 11, 1862.*

If the privateer is not repaired, there is no occasion for the protest; if she is, protest again with firmness.

As a privateer, that vessel cannot be repaired; as a merchant vessel, there is no question.

She must lay aside her character of a privateer before she can be repaired; and if she is repaired, she can never, according to law, leave the Spanish port again armed and equipped as a privateer.

Humanity exacts no more than the asylum of the port for her crew; it does not demand that she should be fitted out again as a privateer.

HORATIO J. PERRY.

The CONSUL *of the United States, Cadiz.*

[Translation of telegram No. 1.]

CADIZ, *January 18, 1862.*

The *Sumter* took course towards the straits.

According to instructions left with their bankers, as soon as the latter receive the funds which they expect they will notify them of it by telegraph to Gibraltar.

She has only coal enough for two or three days, and has not been able to buy any here for want of funds, and not having found any one who would trust them.

E. S. EGGLESTON.

The CHARGÉ D'AFFAIRES *of the United States.*

[Translation of telegram No. 2.]

JANUARY 18, 1862.

The *Sumter* left Cadiz yesterday, making course towards the straits.

HORATIO J. PERRY.

The CONSUL *of the United States, Alicante.*

[Translation of telegram No. 3.]

JANUARY 18, 1862.

The Sumter left Cadiz yesterday, making course towards the straits. Tell me if she has been seen in those parts.

HORATIO J. PERRY.

The CONSUL *of the United States, Gibraltar.*

[Translation of telegram No. 4.]

JANUARY 18, 1862.

A steamer, supposed to be the Sumter, has been seen to-day from the rock, with two vessels in tow.

SPRAGUE.

Señor PERRY, *United States Legation.*

[Translation of telegram No. 5.]

SAN ROQUE,

Near Gibraltar, January 19, 1862.

The vessel thought to be the Sumter is making her course westward at two o'clock this afternoon.

SPRAGUE.

Señor PERRY.

[Translation of telegram No. 6.]

SAN ROQUE,

Near Gibraltar, January 19, 1862.

Sumter arrived here last night with crews of two vessels captured. Details later.

Mr. PERRY.

SPRAGUE.

[Telegram No. 7.]

GIBRALTAR, *San Roque, January 19, 1862.*

Bark Neapolitan, of Kingston, destroyed by Sumter; captain and crew safe in my charge.

Bark Investigator, of Searsport, permitted to proceed to England; cargo being British, captain giving bond for eleven thousand dollars.

Sumter at anchor here.

SPRAGUE.

Mr. PERRY.

Mr. Seward to Mr. Perry.

No. 13.]

DEPARTMENT OF STATE,

Washington, February 24, 1862.

SIR: Your two despatches of January 18, No. 23, and January 19, No. 24, have been received. They give us a full account of the proceedings which occurred at Cadiz and at Madrid on the occasion of the intrusion of the disunion pirate ship Sumter into the port of the former city in an interval of rest from her depredations upon American commerce.

Your own measures in that affair are fully approved.

Although we have continually protested against, and do not now acquiesce in, the decision of the Spanish government to treat the insurgents as a belligerent, we have nevertheless not made it a cause for breaking ancient friendly relations with that power. You will therefore say to Mr. Calderon Collantes that, regarding the transaction in the case of the Sumter in its connexion with the aforesaid decision, this government is impressed very favorably by the promptness and fidelity manifested by the government of Spain in dismissing the pirate from her port to the proper perils of the wrongful career in which she had engaged. In making this communication you cannot express yourself too emphatically concerning the confidence which we repose in the friendship of Spain.

Having disposed of that subject, you will then inform Mr. Calderon Collantes that in the view of this government it ought now to be manifest to the whole world that the decisions which were made by Spain and other powers during the last year, attributing a lawful belligerent character to the American insurgents, were premature and unnecessary; and that while they have proved very injurious to the United States, by infusing delusive hopes into the councils of the insurgents, they have also proved scarcely less injurious to other commercial and maritime nations by the derangement of systems of production, manufacture, and exchange, in which all these nations are deeply concerned. The credit of the insurgents, feeble as it is, rests altogether upon their vague hopes of recognition as an independent state as a complement to their recognition as a belligerent power. Their strength, broken and shattered as it already is, has no self-sustaining element. Continued recognition as a belligerent is, therefore, indirect intervention, which requires on our part a continuance not only of our direct military and naval operations against the insurgents, but also of those indirect restrictive measures which, while exhausting the insurgents, bear hardly at the same time upon the interests of those who call themselves neutrals, while we ourselves insist upon regarding them as friendly powers.

The President therefore expects that the states which have, as we think so unwisely, recognized the insurgents will, in view of the events which have occurred here indicating the decline of the insurrection, reconsider their decisions, and cheerfully resume their former attitude towards the government and people of the United States. Representations, in all material respects, similar to these will be made by us to other maritime and commercial powers.

It is believed here that the European states especially have heretofore misunderstood the real strength and power of this government, and the real sentiments and policy of the American people, but that they will now cheerfully reverse the judgments of which we have not more cause to complain than they have to lament.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., *Madrid*.

Mr. Perry to Mr. Seward.

No. 29.]

LEGATION OF THE UNITED STATES,
Madrid, February 1, 1862.

SIR: The series of your despatches to No. 63, inclusive, addressed to Mr Schurz, is complete in this legation, and their contents duly noted. Also your despatch without number, dated January 14, in reply to my own of December 21, (No. 15,) has just reached me, and the confidence manifested towards me by the President calls for my humble thanks.

In my despatch No. 26, of January 26, I informed you that Captain Burditt, of the American bark *Neapolitan*, destroyed by the *Sumter* in the Straits of Gibraltar on the 18th January, had protested before our consul at that port that his vessel had been boarded and seized within the marine league from the Spanish establishment of Ceuta, on the coast of Morocco. Documents relative to this subject were promptly sent me by the consul, and the same evening (January 25) I had an opportunity to communicate their import to the prime minister, Marshal O'Donnell, after dinner at the palace.

I subsequently brought the documents themselves informally to the knowledge of the government through the sub-secretary of state, to whom I expressed the wish that the government of her Catholic Majesty should take cognizance of this occurrence, and apply a remedy spontaneously, so that when I should address a note upon the subject to the minister of state, Spain might reply that the proper measures had already been taken by this government.

It was not till the 30th instant that I addressed the minister of state in the note, a copy of which is enclosed

To-day I was called to his department, and a formal interview took place, in which he informed me that her Majesty's government had already sent orders of the most peremptory character to the commanders of her Majesty's naval forces on the coasts to prevent by all means any violation of the neutral jurisdiction of Spain within the maritime league of the shores of the Peninsula, and of the Spanish establishments in Africa, by the *Sumter* or any other privateer. That the execution of these orders was confided to the ministerial department of marine, but Mr. Calderon understood that the *Sumter* would be warned of the existence of these orders and strictly watched, and, in case of any future violation, would be pursued and captured or sunk. I reminded Mr. Calderon that the violation of Spanish jurisdiction had already occurred, and begged to know what would be the course pursued with the *Sumter* in case she should come within the power of Spain again, since the commission of the act already complained of. Mr. Calderon replied that he understood she would not be allowed to go free, but would be compelled to make restitution for the damages occasioned, and to give assurance that the offence should not be repeated. He had already desired the sub-secretary of state to inform me of the issuing of these orders in reply to my note of 30th instant.

A telegram last evening from Gibraltar informs me that the *Sumter* still continued at anchor near the fortress, and it was believed she had not funds enough to pay her expenses. Mr. Sprague has also received letters from certain coal-dealers, stating that they would not furnish coals to the *Sumter*, and she had only a stock for two days' consumption on board.

These circumstances lead me to hope that some armed steamer of the United States may still arrive in time to terminate the career of this privateer where she lies.

With sentiments of the highest respect, sir, your obedient servant,
HORATIO J. PERRY.

Hon. WM. H. SEWARD,
Secretary of State, Washington.

Mr. Perry to Mr. Calderon Collantes.

[Translation.]

LEGATION OF THE UNITED STATES,
Madrid, January 30, 1862.

SIR: I have the honor to enclose for your excellency the solemn declaration of Captain Andrew Burditt, and first and second officers, Jacob Doyle and

Edward Hondlett, of the American vessel *Neapolitan*, destroyed on the 18th instant, in the Straits of Gibraltar, by the privateer steamer *Sumter*, from which it appears that the *Neapolitan* was only one mile and a half from the Spanish establishment of Ceuta, on the coast of Morocco, and certainly a very long way within cannon-shot at the time she was boarded and seized by the *Sumter*.

The crew of the *Neapolitan* having been transhipped with some effects, and her captain robbed of his watch, eighty-six dollars in money, and some navigating instruments, this vessel, with her cargo, was set on fire and destroyed.

Sincerely regretting that the consideration due to the jurisdiction of Spain has not been sufficient to inspire respect to this corsair who has executed so reprehensible an act of piracy within cannon-shot of the guns of Ceuta, and within a few hours after leaving the port of Cadiz, where the government of her Catholic Majesty had furnished him with the use of the dry dock of Caraccas, without which aid he declared that he could not navigate, I restrict myself in this communication to bringing these facts to the notice of the government of her Catholic Majesty, in the hope that it will spontaneously adopt that resolution which it may deem best suited to its own dignity and to the neutrality which it has proclaimed.

I avail myself of this occasion, &c.,

HORATIO J. PERRY.

The MINISTER OF STATE of her Catholic Majesty.

Declaration of the officers of the American bark Neapolitan.

CONSULATE OF THE UNITED STATES OF AMERICA, GIBRALTAR :

Appeared personally, and solemnly and sincerely declared, on this 23d day of January, A. D. 1862, Andrew Burditt, master, Jacob Doyle, first officer, and Edward Hondlett, second officer, of the late American bark *Neapolitan*, of Kingston, 322 tons or thereabouts, that they sailed in and with the said bark *Neapolitan* from Messina on or about the 28th day of December, 1861, loaded with a cargo of brimstone and green fruit, and bound for Boston. That during the voyage they experienced variable weather, and nothing of particular note occurred until the morning of the 18th January instant, the wind being about northwest, and they then were close to Ceuta, the centre thereof bearing about south and by east.

That at about a quarter before seven o'clock they observed a steamship with American colors flying running to the eastward, which immediately afterwards stood towards them. That the colors were ordered to be hoisted, and while the mate was bending them on the steamer spoke them and ordered them to heave to; presently a boat came from the steamer, and directed the master to carry all the ship's papers to the steamer. That the master went in the stern boat, carrying her papers; that the said bark *Neapolitan* was lying-to, with her head towards Ceuta, within about one and a half mile of the shore, and the moment the boat with the master and papers reached the strange steamer she hoisted Confederate colors, and hailed the aforesaid bark *Neapolitan*, ordering her to wear.

That the *Neapolitan* wore, and a boat came from the steamer with an officer; as soon as the boat reached the aforesaid bark *Neapolitan* the officer declared her to be a prize, and ordered her men aloft to cut away the sails.

At this time the wind was moderate, but it very soon freshened up, and the men of the steamer wore the aforesaid bark *Neapolitan* again, and having run before the wind for a mile and a half they hove her to again on the starboard tack.

The crew of the aforesaid bark Neapolitan were then ordered to pick up their things and go on board the bark Investigator, another American bark which the steamer had been boarding.

That at about ten o'clock they were forced away from their ship and went aboard of the bark Investigator, leaving their ship Neapolitan in the hands of the officers and crew of the Confederate States armed steamer Sumter, who were now briskly employed in taking out her stores.

That the aforesaid bark Investigator made sail, and stood towards Gibraltar, and at about two o'clock p. m. of the same day they saw the Neapolitan in flames, burned by the aforesaid steamer Sumter.

And these appeared most positively declare that their late bark Neapolitan was within one and a half mile of Ceuta and the coast of Morocco, or certainly a very long way within cannon-shot at the same time she was boarded and seized by the Sumter.

ANDREW BURDITT.

JACOB DOYLE.

EDWARD HONDLETT.

Declared, at Gibraltar, this 23d day of January, 1862, by the said Andrew Burditt, Jacob Doyle, and Edward Hondlett, before me.

JAMES C. RALPH,

Notary Public, Gibraltar.

I certify that the foregoing writing contains a verbatim copy of the original document registered in this consulate, and, as a verbatim copy of the original, in entitled to full faith and credit.

Witness my hand and seal of office, in Gibraltar, the 23d day of January, A. D. 1862.

[L. s.]

HORATIO J. SPRAGUE,

United States Consul, Gibraltar.

Mr. Perry to Mr. Seward.

No. 31.]

LEGATION OF THE UNITED STATES,

Madrid, February 8, 1862.

SIR: I have the honor to enclose for your use a translation of the note of Mr. Calderon Collantes, (A,) dated the 1st instant, upon the subject of the bark Neapolitan, seized by the Sumter near Ceuta, and also an additional note of mine, dated the 5th instant, on the same subject. Copy marked B.

I have also requested our consuls at Gibraltar and Cadiz to collect and put into legal form all the evidence within their reach bearing upon the question of the position of the Neapolitan at the time she was boarded by the Sumter's boat.

This vessel was still at Gibraltar at my last advices, asking in vain for coals, though it was thought she was preparing to start for some other place.

A rumor has reached me that four steam vessels of the United States navy had been in at Teneriffe in search of the Sumter. None have yet been seen near the Straits of Gibraltar.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Calderon Collantes to Mr. Perry.

[Translation.]

FIRST DEPARTMENT OF STATE,
Palace, February 1, 1862.

SIR: I have received the note which you were pleased to address me, dated the 30th ultimo, and the document which accompanied it, relative to the capture and destruction of the United States bark *Neapolitan* in the Straits of Gibraltar, by the privateer steamer of the Confederate States, the *Sumter*.

After having stated in your said note that the occurrence took place within the jurisdictional waters of Spain, you express the hope which you entertained that the government of the Queen would adopt such resolution as it might think best suited to its own dignity and to the neutrality which it has proclaimed.

In effect, as soon as it had knowledge, though in an imperfect manner, of this occurrence, the government of the Queen ordered, on the 27th of January last, before receiving your note, and therefore spontaneously, that the vessels-of-war of her Majesty anchored at Algeciras, and charged with the observation of the coasts of Africa, should prevent whatsoever violence the *Sumter* might attempt to commit in the jurisdictional waters of Ceuta, instructing the commanders of those vessels to impede the captain of the said privateer, and of any other which may appear, from exercising the least act offensive to the rights of Spain.

And the measures taken by the government of her Majesty were not limited to these; it also instructed the officers in command of the vessels of its war marine that, having given the proper instructions whenever they should think convenient, if the captains of privateers should execute any act in violation of the rights of the nation, they ought to proceed with the greatest energy, effecting the liberation of whatsoever prize should be made in the jurisdictional waters of Spain, and taking all other measures which the nature of the facts should make necessary.

The government of her Majesty not having up to this time authentic and legally reliable information relative to the distance of the *Neapolitan* from the coast of Ceuta when she was seized and destroyed by the *Sumter*, it is impossible to adopt any new resolution in the matter.

The government has limited itself up to this time to the adoption of preventive measures, which will be sufficient in its opinion to prevent the violation of the jurisdictional zone of Spain, although reserving to itself to dictate hereafter all such as the nature of the circumstances may make necessary or proper, and fulfilling in this way what the government of the Queen owes to itself and to the duties which the declaration of neutrality imposes upon it.

I avail myself of this occasion to reiterate to you the assurance of my distinguished consideration.

J. CALDERON COLLANTES.

The CHARGÉ D'AFFAIRES of the United States.

Mr. Perry to Mr. Calderon Collantes.

LEGATION OF THE UNITED STATES,
Madrid, February 5, 1862.

SIR: The note of your excellency of the 1st instant, relative to the preventive measures spontaneously adopted by her Majesty's government as soon as it had knowledge, though imperfect, of the seizure of an American bark by the privateer *Sumter* within the jurisdictional waters of Ceuta, has reached my hands.

In it your excellency says that, as the government of her Majesty had not, up to the time in which you wrote, authentic and legally reliable evidence relative to the distance of the Neapolitan from the coasts of Centa when she was seized and destroyed by the Sumter, it was impossible to adopt any other than the preventive measures already dictated, as recited in your excellency's note.

I think it my duty to remark in connexion with this paragraph that, though it may be true that the evidence going to establish this fact has not yet been prepared in such form as would give it a controlling force upon the decision of a court of justice, still it is sufficient already to indicate that this may be the result.

The testimony of the crews of the two ships which happened to be near the spot when the Neapolitan was seized, and who witnessed the whole proceeding, I understand corroborates in every important particular the solemn declaration of the captain and officers of that vessel, which I had the honor to transmit to your excellency.

If the government of her Majesty has no information satisfactory upon the point in question, I would say that it was most highly probable that your excellency will be convinced by the evidence now preparing by the parties interested in the ship destroyed that she was really and indisputably far within the distance of a marine league of the coasts of Centa at the time of her seizure. And if this be so, I confess I do not see how the government of the United States can well avoid giving course to the petition of their citizens for restitution of the values destroyed by the Sumter from that government in whose jurisdiction both vessels were, and which the corsair was so bold as not to respect.

I do not wish to anticipate what would be the result of this reclamation, nor the effect of the evidence which the government of her Majesty may be able to bring in the case; but I notice in your excellency's note that the officers commanding her Majesty's vessels-of-war have been instructed that if the captains of privateers should execute any act in violation of the rights of this nation, they (her Majesty's officers) ought to proceed with the greatest energy, effecting the liberation of whatsoever prize should be made in the jurisdictional waters of Spain, and taking all other measures which the nature of the facts should make necessary.

I cannot suppose that in this instruction her Majesty's naval commanders are directed to wait for evidence in strictly legal form before taking measures thus to vindicate the outraged rights of Spanish jurisdiction. If information solemnly sworn to before a consular officer by three respectable persons is not sufficient to provoke some action on the part of her Majesty's vessels anchored at twenty miles distant from the scene of outrage, and probably within sight of the burning ship illegally captured, it would be difficult to conceive how or when they would propose to make the jurisdiction of Spain to be respected. It is quite evident that no such outrage would be attempted in Spanish waters immediately under their guns, but it is also evident that if the naval forces of her Majesty are to take no notice of acts committed outside the range of their guns, the jurisdictional rights of this nation within a marine league of its coasts may be violated with impunity. The case provided for in these instructions, therefore, we may fairly consider has already occurred.

The privateer Sumter has already performed an act in violation of the rights of this nation, and to the damage of citizens of the United States, lawlessly deprived of their vessel and cargo within the jurisdiction of Spain. The evidence of this outrage is as good at present as the commanders of her Majesty's vessels of-war will probably ever receive in any case where they do not happen to be actually present witnessing the deed, and the forms necessary to give this evidence legal validity will not long be wanting.

In this state of the circumstances, fully persuaded as I am of the disposition of her Majesty's government to allow no violation of its jurisdictional rights, and

to enforce redress whenever these shall be violated, which purpose is abundantly indicated in your excellency's note, it is the purpose of this communication merely to inquire of your excellency what the government of her Majesty proposes to do with the Sumter, which can hardly fail to come within the power of her Majesty's vessels if they choose to intercept her on leaving the port of Gibraltar. Will she be allowed to go unquestioned, or will this government exact from her captain some security for the value of the Neapolitan and her cargo seized within Spanish jurisdiction, available whenever this fact shall be satisfactorily established? Or will the Sumter herself be held till this question can be settled and some guarantee given that like acts will not be committed in future?

I avail myself of this occasion to renew to your excellency the assurances of my most distinguished consideration.

HORATIO J. PERRY.

The MINISTER OF STATE of her Catholic Majesty.

Mr. Seward to Mr. Perry.

No. 14.]

DEPARTMENT OF STATE,
Washington, February 28, 1862.

SIR: Your despatch of February 1, No. 29, has been received. Your proceedings in bringing to the notice of Mr. Calderon Collantes the case of the American bark Neapolitan, destroyed by the pirate Sumter, as is alleged, within the maritime jurisdiction of Spain, are approved. The reply of that minister, while it was less decisive upon the particular case than we could have wished, is, nevertheless, regarded as manifesting a just and liberal disposition in regard to the unfortunate subject involved. I reserve instructions upon the case of the Neapolitan until the parties interested shall appear, in some way, at this department.

Doubtlessly you are aware that the navy is doing what seems to be possible to bring the career of the Sumter to a close. I need not repeat to you how the difficulty of doing so has been increased by the toleration so unnecessarily shown to pirates in Europe.

It is expected that the states which have shown this toleration will have corrected their views by the intelligence they must before this time have received, showing that the insurrection is rapidly yielding before the American forces by which it is surrounded. A pirate can now neither enter nor leave any port in this country. The restoration of Missouri and Kentucky to the Union leave the insurrection no sufficient case to support itself upon.

Would not Spain be acting in a manner worthy of her renewed ambition by being among the first to proclaim that the United States ought no longer to be regarded by friendly states as a nation divided by war?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c.

Mr. Perry to Mr. Seward.

No. 33.]

LEGATION OF THE UNITED STATES,
Madrid February 16, 1862.

SIR: I have the honor to enclose copies of the note of Mr. Schurz to Mr. Calderon Collantes, of December 15, and Mr. Calderon's reply addressed to myself under date of 12th instant, which was, however, received last evening.

It will be seen that the note of Mr. Calderon explains the affair of the shot fired from the Spanish fort of Tarifa at the American brig William Creever, in

a manner quite different from that reported by the captain of this vessel. This legation, having no further data, refers the whole subject back again to your consideration.

I yesterday had an interview with Mr. Calderon Collantes, in which I took occasion to read to him a part of your despatch of January 23, relating to the state of our affairs at home. In the conversation which ensued, Mr. Calderon let fall the expression that the position of European nations would have been exceedingly ridiculous if they had recognized the southern confederacy and we should now, in a short time, reduce these States to obedience to the government of Washington.

I spoke of the subject of my note of February 5, (copy enclosed with my despatch No. 31,) which has not yet been answered. Mr. Calderon seemed to be willing to take time before replying, though he said he was about to answer. I had before spoken with the sub-secretary of state on this subject, and thought I could see that Mr. Calderon had conversed with him also. The minister seemed to be not wholly free from apprehension that he might be drawn into making some admissions on the subject of that note which he might afterwards regret; said that there were two questions involved, that of fact and that of right; whether the Neapolitan really was in Spanish waters at the time of her seizure, and whether, if she were, the law of nations could force Spain to make restitution of the values she (the Neapolitan) had lost by the Sumter.

It is my business to maintain the affirmative of this proposition; but you will no doubt perceive that the case of a vessel in a narrow strait, tacking on and off shore to beat up against the wind, and running in and out of the zone of a maritime league from the coast, in the course of a voyage of which the Spanish authorities could have no previous knowledge, offers many points on which an argument can be attempted in the negative, if it can be shown that the Spanish authorities have used due diligence to prevent a recurrence of the facts complained of, as soon as they became aware that there was or had been a subject of complaint.

But my immediate object in that note was rather to embarrass the captain of the Sumter than to anticipate the action of the owners of the Neapolitan, and this object, I am happy to say, has been, to a great extent, attained. Mr. Calderon, in conversation, recognized the right and duty of Spain to make the Sumter responsible for the damages she may have caused to our shipping within this jurisdiction, and said, with an air of much firmness, "No, no; the Sumter will not again come into any Spanish port," and indicating that if she did she would be called to account for her conduct with the Neapolitan. Whether Spanish vessels will be instructed to stop her upon the high seas or not, in the present state of this question, Mr. Calderon would not say.

Happily, since I last addressed you, the United States war steamer Tuscarora has arrived at Gibraltar, and her presence leads me to hope that the career of the Sumter is nearly terminated.

The enclosed telegrams, Nos. 1, 2, and 3, will explain to you the present state of things in Gibraltar bay, the movement of the Tuscarora towards Algeciras being undoubtedly in order to put herself out of the reach of the twenty-four hours rule adopted by England, by means of which the Nashville was allowed to escape from Southampton.

It seems the crew of the Sumter are leaving her at every opportunity. On this subject I will take occasion early to forward you copies of my instructions to our consuls, and the inducements I thought it proper for the consul at Cadiz to offer to these men to bring them back to their allegiance.

With sentiments of the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

A.

Mr. Schurz to Mr. Collantes.

LEGATION OF THE UNITED STATES,

Madrid, December 15, 1861.

SIR: I have the honor to lay before your excellency copies of two documents addressed to the Secretary of State of the United States by the consul of the United States at Messina, from which it appears that on the 24th of September, 1861, the American brig William Creever was fired into from the fort at Tarifa light-house, while on her way from Cardiff to Galatz, laden with coal.

I am instructed by the President to call the attention of her Catholic Majesty's government to this subject, and to ask a prompt explanation of what seems to have been an unprovoked attack upon a vessel bearing the flag of the United States.

The undersigned takes this occasion to renew to his excellency Don Saturnino Calderon Collantes the assurance of his most distinguished consideration.

C. SCHURZ.

His Excellency DON SATURNINO CALDERON COLLANTES,

First Secretary of State.

Mr. Collantes to Mr. Perry.

[Translation.]

OFFICE OF THE FIRST SECRETARY OF STATE,

Palace, February 12, 1862.

MY DEAR SIR: I communicated in due time to the minister of war the note which Mr. Schurz, the worthy head of your legation, was pleased to address to me on the 15th of December last, asking explanations in the name of his government respecting the shot fired from the fort at Tarifa into the brig William Creever on the 24th of September of the last year.

In his reply, I must make known to you, as I am informed by the said minister, that from the antecedents now existing at the said fort of Tarifa—from the report made by the military governor of the same, and from the proceedings had for the perfect understanding of the matter which is treated of—it appears that the firing complained of by the captain of the William Creever took place agreeably to the prescribed instructions to ascertain the nationality of foreign vessels which pass in front of said fort, and which refuse to hoist their national colors.

In fact, it appears that on the 24th of September last the William Creever passed before the fort of Tarifa, going in a direction from west to east, without hoisting her flag; in view of which, those of the artillery corps then on duty signalled to her by thrice hoisting and lowering the national flag; finding that the captain of the William Creever persisted in not hoisting his flag, they fired a blank cartridge at her, and after waiting a reasonable time they fired another gun with shot, which was aimed ahead of the vessel. If this second notice has had an unfortunate result, the government of her Majesty is the first to regret it; but the responsibility is due alone to the persistence of the captain of the William Creever in refusing to hoist his flag, thus contravening the existing regulations respecting signals which foreign vessels are bound to observe, and which were duly communicated to the legation under your worthy charge.

Hoping that the foregoing explanations will satisfy you and your government that it has not been possible for her Majesty or her officers to avoid the acts which gave rise to the aforesaid demand on the part of Mr. Schnrzh, I avail myself of this opportunity to renew to you the assurances of my distinguished consideration.

S. CALDERON COLLANTES.

The CHARGÉ D'AFFAIRES of the United States.

[Translation of telegram No. 1.]

GIBRALTAR, *San Roque*, February 8, 1862.

The Sumter continues here. Several of her seamen are on shore, unwilling to return on board.

SPRAGUE.

Mr. PERRY, *Legation of United States*.

[Translation of telegram No. 2.]

GIBRALTAR, *San Roque*, February 12, 1862.

Federal steamer Tuscarora arrived here to-day. Sumter still here, without taking in coal.

SPRAGUE.

Mr. PERRY, *American Legation*.

[Translation of telegram No. 3.]

GIBRALTAR, *San Roque*, February 15, 1862.

The Tuscarora has anchored in Algeciras, and will receive coal. Sumter still here.

SPRAGUE.

Mr. PERRY, *American Legation*.

Mr. Perry to Mr. Seward.

No. 36.]

LEGATION OF THE UNITED STATES,
Madrid, February 22, 1862.

SIR: Whilst the Sumter was at Cadiz, I not only endeavored to prevent her being repaired, but also sought to diminish her means for mischief by such representations to her crew as would lead them back to their allegiance to the government.

My instructions to Mr. Eggleston by telegram, January 13, and letter, January 14, are enclosed, (Nos. 1 and 2.)

Mr. Sprague, consul at Gibraltar and consular agent at Algeciras, writes me, under date of 15th instant, a letter,* of which I enclose copy, (No. 3,) as well as my reply of the 21st instant, (No. 4.) The Sumter has received no coals since she first appeared in the bay of Cadiz, and it seems twenty-three of her men have abandoned her.

* Not enclosed with the original.

I trust Mr. Sprague will be energetic enough not to have these men taken from him to be returned to the Sumter.

With the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WM. H. SEWARD,

Secretary of State, Washington.

Mr. Perry to Mr. Eggleston.

[Translation of telegram.]

MADRID, *January 13, 1862.*

Grant your protection to sworn citizens of the United States who will take the oath of fidelity to the Constitution and the government.

HORATIO J. PERRY.

The CONSUL of the United States, *Cadiz.*

Mr. Perry to Mr. Eggleston.

LEGATION OF THE UNITED STATES,

Madrid, January 14, 1862.

SIR: I see by the newspapers that you have again protested, according to my instructions by telegraph, but that the Sumter had entered the dry-dock for repairs. This proceeding involves grave questions, which must now be treated between the government of the United States and Spain. I beg you, therefore, to report fully all the facts and circumstances of the case, with your own action and copies of documents, on which will proceed the direct action of this legation with the government of Spain.

Your telegram of yesterday informed me that six men of the Sumter had solicited your protection, alleging that they were serving aboard that craft against their will.

I immediately answered that you might extend the protection of your consulate to every citizen of the United States who was willing to take the oath of allegiance to the government. It is, of course, understood that this act must be in good faith, the man abandoning all connexion with his former comrades, and giving evidence of his fixed determination to conduct himself in future as a good and loyal citizen. It is good policy thus to weaken the force of the privateer; and though the men may have been guilty of great crimes, I consider that they ought to be put on the footing of voluntary deserters from the enemy, and treated accordingly.

It would be a service of which you might well be proud, and which the government would not fail to appreciate, if you could find means to persuade the misguided men who form the crew of that corsair that their only chance of safety lies in a prompt and voluntary submission to the government of their country.

I know that the cabinet of President Lincoln is not actuated by any vindictive feelings, but would welcome the return of these men to their allegiance as a father welcomes the repentance of a son.

He is forced by his duty to maintain the Constitution and the rights of the flag bequeathed to him by Washington.

He will maintain them. Already the flag of the great republic floats over 32 of the 34 States of the Union, and every port is now sealed, so that the Sumter can never return to the United States except as a prize. Our war steamers are already coming after her, and will surely catch her sooner or later.

The last hope of aid from foreign powers for the rebel States has vanished by the settlement of the difficulties between the United States and England.

Reduced to the condition of an outlaw—of a pirate—soon the ports of all christendom will be closed against the Sumter, or she will be delivered over to some war steamer of the United States, whilst lying at her anchors, by the authorities of the port where she may be.

The fate of her crew, taken under such circumstances, or by force upon the seas, I do not wish to foresee; they themselves must be but too well aware what it probably will be. 15,000 men have already landed by the time I write, and are entrenched within 60 miles of New Orleans; 180,000 men are marching down on the banks of the Mississippi, with a fleet of steel-clad gunboats, and floating batteries of 100 guns on the river itself. Before the Sumter could reach the port from which she started, its fate is already settled; and with it the remainder of the war will be a mere chase for prisoners. Urge these reflections upon that crew, and find means to make your influence felt among them.

Yours, truly, &c.,

HORATIO J. PERRY.

E. S. EGGLESTON, Esq.,
United States Consul, Cadiz.

Mr. Perry to Mr. Sprague.

LEGATION OF THE UNITED STATES,
Madrid, February 21, 1862.

MY DEAR SIR: I have your letter of February 15, covering copies of some correspondence which has taken place between yourself and the authorities of Gibraltar in regard to certain seamen from the privateer Sumter who had presented themselves in your consulate.

It is quite natural that the captain of the privateer should endeavor to assert his authority over the crew of that ship, but I do not suppose that the authorities of any port in Europe would undertake to force American citizens, professing allegiance to the federal government, to remain aboard that ship against their will, nor impede them from the protection of their consul and the succors which they may need and are entitled to by the laws of the United States.

I have nothing to say to you officially, of course, in regard to your duties at Gibraltar; but I will not withhold my opinion, which is, that to every American seaman who is willing to take the oath, prescribed by the President, of allegiance to the government and Constitution of the United States, you are bound to extend your protection, and entitled to claim the assistance of the authorities of that port to protect him from the violence of all third parties, and especially from those who have levied war against our government. Certainly those authorities would not think of taking part with the enemies of the government of the United States to aid them in retaining the persons of our citizens against their will within the neutral and friendly jurisdiction of Great Britain.

Yours, very truly, &c.,

HORATIO J. PERRY.

HORATIO J. SPRAGUE, Esq.,
United States Consular Agent for Algeciras.

Mr. Perry to Mr. Sprague.

LEGATION OF THE UNITED STATES,
Madrid, February 22, 1862.

DEAR SIR: I yesterday wrote you a letter adopted for your use with the authorities at Gibraltar; but if there is any probability of their interference with those men in order to return them to the custody of Captain Semmes, in violation of your consular rights and authority, I would advise you to avoid the difficulty by getting the men across the bay into Spanish jurisdiction at Algeciras. Once there I instruct you distinctly not to surrender them out of your own custody and protection upon the requisition of the local authorities, or of any other person without my permission. If any question should arise between you and the Spanish authorities of the port on this subject, let it be immediately referred up to the Queen's government and to myself, respectively. Since what passed during the stay of the *Sumter* at Cadiz there is, however, no probability of any question being made with you by the Spanish authorities at Algeciras.

The best disposition possible of these men would be to put them aboard the *Tuscarora*, if Captain Craven will receive them. I note that this ship still remains at Algeciras, and trust she will avoid the twenty-four hour's rule this time by keeping out of the English jurisdiction as long as the *Sumter* remains in it.

A vessel will soon present itself to pass the straits bound for New York, and loaded with arms, &c., for the government. I will advise Captain Craven by telegraph, so that she may be protected. She is the fast-sailing bark *Cora*, of and for New York, to sail from Alicante during the week which begins to-morrow.

Very respectfully, &c., your obedient servant,

HORATIO J. PERRY.

HORATIO J. SPRAGUE, Esq.,

United States Consular Agent, Algeciras.

Mr. Seward to Mr. Perry.

No. 24.]

DEPARTMENT OF STATE,
Washington, April 3, 1862.

SIR: Your confidential note of March 1 was duly received. The demonstration of satisfaction and cordiality made on the occasion of the release by the Spanish government of our countrymen who had been carried captives by the pirates into Cadiz was very natural, and very creditable to all the parties concerned. The loyal spirit manifested by Mrs. Perry reflects great credit upon her.

I have read with great interest the copy of the note which you addressed to Mr. Calderon Collantes in December last.

I trust that henceforth we shall have the good fortune to show that we are sensible to the good feeling exhibited towards us by the Spanish government.

Faithfully yours,

WILLIAM H. SEWARD.

HORATIO J. PERRY, Esq., &c., &c., &c., *Madrid.*

BRAZIL.

Mr. Seward to Mr. Webb.

No. 8.]

DEPARTMENT OF STATE,
Washington, November 13, 1861.

I have received this day a despatch from H. H. McGrath, esq., consul of the United States at Maranhão, in which he informs me that the steamer Sumter, a piratical vessel which notoriously had been fitted out and armed by disloyal citizens of the United States, and which, manned and navigated by such persons, was engaged in depredating upon the commerce of this country, was, on the 6th day of September last, admitted into the port of Maranhão and allowed to receive supplies of coal and provisions therein.

It is an especial aggravation of the case that this transaction was allowed to take place against an emphatic remonstrance and protest of the consul of the United States at that port.

You will lose no time in calling the attention of the Emperor's government to the affair. You will ask explanations thereof, and, unless satisfactory explanations are rendered, you will then inform his Majesty's government that the shelter and supplying of pirates, as the Sumter is sheltered and supplied, in the ports of Brazil are deemed an unfriendly act by this government, and will ask that such measures shall be taken in regard to the case as will make the governor of Maranhão sensible of his Majesty's displeasure and will prevent a recurrence of such injuries to the United States hereafter.

I hardly need say that the proceeding at Maranhão is an occurrence of great surprise and deep disquiet to the United States. That we have supposed that Brazil and every other State on the American continent have an interest second only to our own in the stability of the American Union, the downfall of which would, in our belief, inevitably be followed sooner or later by the decline and fall of every independent nation on this continent, which must in that case become once more a theatre for the ambition of European powers.

Such respect for the sovereignty of the United States as one great nation owes to another is an indispensable condition of friendly relations with foreign powers in the present emergency. You will therefore take care not, for one moment, to admit into debate any question of claim on the part of the insurgents to any rights whether as a sovereign or a belligerent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c.

Mr. Webb to Mr. Seward.

[Extract.]

No. 4.]

LEGATION OF THE UNITED STATES,
Hotel des Etrangers, Rio de Janeiro, November 8, 1861.

SIR :

* * * * *

On Thursday, the 31st, I met Senhor Taques at the foreign office, and at the commencement of the interview he seemed determined to assume the ground

that no breach of neutrality had been committed. After some discussion I expressed my regret that I had not rendered myself acceptable to the government, as there could be no doubt the course he indicated a disposition to adopt would result in my recall, the suspension of diplomatic intercourse, and a resort to such measures as the wisdom of my government might suggest. He disclaimed a desire or intention to pursue any course which might lead to such consequences, and fell back upon the absurdity first invented by the governor of Maranhão, that the *Sumter* is a man-of-war.

I pointed out to him what I considered an easy mode of escape from the difficulty; which was, in reply to my despatch, to disavow distinctly an intention to permit any privateer or letter of marque to enter a port of Brazil; and then to take the ground that the courtesy extended to the *Sumter*, and the material aid afforded her, were yielded by the governor of Maranhão, according to his report, because she was a "man-of-war," and that if there had been error in that regard he would be pleased to be enlightened on the subject.

He promptly seized upon the suggestion, and agreed that such should be the course of the government.

We then separated, and on the following day, November the 1st, I wrote the accompanying despatch, No. 2, which I had copied on the 2d, and placed personally in the hands of the minister of foreign affairs on the 3d.

* * * * *

I have the honor to be, very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States.

Mr. Webb to Mr. Taques.

No. 2.]

LEGATION OF THE UNITED STATES,
Rio de Janeiro, November 1, 1861.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, feels it incumbent upon him to call the attention of his excellency Senhor B. A. de Magalhães Taques, counsellor and secretary of state for foreign affairs, to the gross breach of neutrality recently committed towards the United States by the governor of Maranhão. That official, an officer who holds his commission from his imperial Majesty the Emperor of Brazil, and whose acts, therefore, unless disclaimed, become the acts of the imperial government, permitted a piratical vessel, known as the *Sumter*, calling herself a privateer, and by the official of the Brazilian government exalted into a "man-of-war," to enter the port of Maranhão, and there lay in a supply of coal, wherewith, in the language of the Brazilian official, "to continue her voyage."

Now, your excellency, what were the purposes of that voyage? In answer to this question, if answered truly, the governor of Maranhão must say, "The sole and only purpose of the voyage of the *Sumter* is to prey upon and destroy American commerce."

The United States is one of the great powers of the world; her nationality admits of no question, and she is and ever has been on terms of amity with the imperial government of Brazil. Like all other nations, Brazil included, she is liable to internal commotions; and having repeatedly demonstrated her ability to maintain her independence and vindicate her nationality by resisting foreign aggression, she has recently been called upon to deal with a great rebellion within her own borders, the object of which is to restore to leading ambitious rebels the power of which the people have deprived them, to reopen the infamous slave trade with the coast of Africa, and to establish a southern confed-

cracy, based upon the institution of slavery. This rebellion, as the undersigned has already taken occasion to show to your excellency, was countenanced instead of being suppressed by the late government of the United States, several members of which were active and professed traitors, and have recently been in the employ of the rebels. Under such circumstances, and fostered by the late Executive and his associates, the traitors were permitted to progress in their rebellion with impunity until the 4th of March last, when the present government of the United States came into office. Since then the whole power of the general government has been exerted to organize and bring into the field a sufficient force to put down promptly and forever the infamous and uncalled for rebellion; and Congress, in the exercise of its constitutional powers, has authorized the raising of an army of five hundred thousand men and the borrowing of five hundred millions of dollars, to put down a rebellion which threatened, by the tolerance of the late traitor government, to destroy the nationality of the United States.

I am happy again to assure your excellency that both the army and the money to conduct the war have been forthcoming at the call of the general government, and that we are only waiting for the frosts of November to bring the rebellion to a close, and to punish the traitors who have thus assailed the nationality of the United States, and very materially disturbed the commerce and deranged the industry of the world. Not one day has been lost by those entrusted with the administration of our national affairs in performing their whole duty to their own country and to our sister nations, with all of whom we are at peace, and whose transactions with us constitute at least one-quarter, if not one-third, of all the commerce of the civilized world. They only came into office on the 4th of March last, and the rebellion being confined at that time to the cotton States and the insalubrious, bilious, and yellow fever region of our country, it was a physical impossibility to suppress it until the frosts of the coming November and December shall have rendered it safe to move armies through the swamps and marshes and pestiferous and miasmatic regions of that country. All that it was possible to do was to prepare for a great campaign, to be very shortly commenced, as I already have had the honor to communicate to your excellency, and the result of which admits of no question. Long before another winter shall have closed rebellion will have ceased within the boundaries of the United States, and, with God's blessing, the traitors who have brought upon their country such deep dishonor and upon the commercial world such widespread disaster will have terminated their career on the scaffold and the gibbet.

The rebels referred to do not pretend to have the sanction of the people of their respective States for their proceedings. They in every instance *usurped* the authority of the people, and, having possessed themselves of power, with arms in their hands proclaimed their determination to retain their authority, and scornfully refused to submit to the people of the rebel States whether they would or would not secede from or rebel against the authority of the general government. The rebels are, in fact, a minority of the people in the States declared to be in rebellion; and they are usurpers, and a self-constituted and a self-elected government, even if the fact were conceded that they are a government in any sense of the term. And this usurped government, acting in a self-credited and irregularly elected legislature, passed a law authorizing their self-constituted president to commission privateers and issue *letters of marque and reprisal* against the government of the United States, and invited mariners to fit out privateers to cruise against and prey upon American ships. And, as an inducement for pirates and adventurers of all nations to embark in this novel system of quasi-legalized piracy in this the nineteenth century of the Christian era, the slavery propagandists and open advocates of the African slave trade passed a law offering a bounty of *twenty dollars* for every person taken prisoner on board of an American vessel, and *twenty-five dollars* for every person killed in any action with the

vessels of the United States! Thus offering a premium of five dollars per head for refusing quarter and putting to death all persons engaged in the peaceable pursuits of commerce and the ordinary commercial traffic along the coasts of America.

It should be a matter of congratulation that, according to well settled international law, all armed vessels, possessing no nationality and having no recognized flag, assailing and capturing other vessels engaged in a lawful commerce, maltreating and murdering their crews, are *pirates*, because neither an individual nor a combination of individuals can create a "man-of-war," or grant letters of marque, or authorize privateering. But if such were not the case the enactment which authorized the commissions of the so-called rebel *privateers* is of a nature so odious that it was justly characterized on the floor of the English house of commons as the most infamous public enactment of the nineteenth century.

The steamer *Sumter* is one of the piratical vessels, with letters of marque, calling themselves privateers, which the rebels of the cotton States of the American Union have sent forth to prey upon American commerce, and to whom they have offered an extra bounty if they will *murder* our citizens instead of giving them quarter when overpowered by these licensed freebooters. This piratical cruiser recently made her appearance off the harbor of Maranham, a seaport in the province of the same name in the kingdom of Brazil, the governor of which is appointed by the Emperor of Brazil, is his representative, and is responsible to him for his conduct, and may be removed by him at his pleasure. The pirate captain made application to the governor of Maranham to be permitted to enter that port for the purpose of coaling—a significant fact, as going to prove his own conviction that possessing no nationality, representing no recognized government, and carrying a flag unknown to the governments of the world, he had no other right to enter that port than has the ordinary *corsair* of the seas. But the governor of Maranham manufactured for him a character to which the pirate did not pretend, and gave him permission to enter and coal on the ground that the *Sumter* was a "man-of-war." And what is of grave importance in considering the act of this officer of the Brazilian government in violating the neutrality of Brazil and jeopardizing the existing amicable relations with her earliest friend and best customer, the governor of Maranham, in his reply to the protest of the consul of the United States, distinctly assumes the ground that the *Sumter* is a "man-of-war," and as such was entitled to every privilege and immunity ordinarily granted by the comity of nations to national vessels. He therefore decides, as he says in his reply to the protest of the American consul, that "coal and provisions *for the continuance of her voyage* could not be denied." The undersigned begs permission to ask what voyage? The answer is no doubt to be found in the pirate's papers—in the letter of marque of the steamer *Sumter*, constituting her a *privateer* of the slave States in rebellion against our government, and specially appointed to capture and destroy American ships, and outrage, maltreat, and *murder* inoffensive American seamen, engaged in navigating ships in time of profound peace between the United States and the ports of her neighbor and friend the empire of Brazil. For this the pirate *Sumter* was created and commissioned; this was the sole object of her cruise, and it was her boast, publicly made in Maranham and in the presence of the governor, if not in his hearing, that she had already captured many of our ships and taken them as prizes into other ports. And it was to enable her "to continue" this nefarious "voyage," and to enable her to do more injury to the commerce of the United States that the governor of Maranham, the port of a nation entertaining the most friendly relations with the United States, supplied her with the necessary coals and provisions. Her character was as well known to the governor of Maranham as it is to your excellency. The very fact of her asking *permission* to come into the harbor

proved conclusively that she was *not* a "man-of-war," and the consul of the United States took the precaution to make her true character known to the governor of Maranhão, and solemnly protested against harboring a craft sailing under a letter of marque and calling herself a privateer, sent forth by a set of rebels, who have no nationality, no recognized existence, no accredited representatives at any court in Christendom, and whose existence as anything other than audacious rebels has been ignored by every civilized nation, and whose so-called privateer is, in fact, nothing more than a pirate.

But were the fact otherwise, did the *Sumter* belong to one of the civilized nations of the world and the United States at war with that nation, the furnishing her with "coals and provisions for the continuance of her voyage" would have been a gross violation of the neutrality of Brazil.

Fortunately for mankind, there were no great wars among the civilized nations from the close of the great European struggle in 1815, and the war waged by France and England against Russia in 1853-'54; and it was during this period that steam was introduced as an element of naval warfare. *Coals* were not contraband of war when steam was not an auxiliary of war, but when steam, instead of sails, became the propelling power of vessels-of-war, the coals which are necessary to produce this new power became as much contraband of war as is "sail-cloth, tar, and pitch." All of these, and similar articles, have been declared contraband by international law for nearly two centuries, and whenever a question has arisen in regard to articles which might be considered as contraband, although not enumerated as such, as in the case of provisions, naval stores, &c., the rule has been, according to Lord *Stowell*, that while "generally they are not contraband, they may become so under circumstances arising out of the peculiar situation of the war or the condition of the parties engaged in it." Sails and sail cloth, therefore, were from the beginning declared to be as decidedly contraband as powder and cannon, and under some circumstances, naval stores generally, have long since been declared contraband of war. There being no wars, it followed of necessity that the list of articles declared to be contraband of war was the same in 1853 as in 1815, but steam having in the interim been introduced into naval warfare, one of the first duties of the belligerents in the war between England and France against Russia was to revise the contraband list. Coals are as absolutely necessary for propelling a steamer-of-war and rendering effective her powder and ball as are sails to an ordinary man-of-war; and therefore coals were promptly declared by France and England, very properly, to be as much contraband of war as are sails and sail-cloth, or powder and ball and cannon.

The undersigned cannot doubt but these facts are as familiar to the officer of the Brazilian government who gave such material aid to the pirate *Sumter* "to continue her voyage" of piracy against the commerce of the United States as they unquestionably are to your excellency; and it must have been equally manifest to the governor of Maranhão that he was furnishing a *pirate* with the means of interrupting American commerce in the discharge of the peaceful, and to Brazil not unprofitable, business of carrying from her shores, for consumption by the people of the United States, more than half of her entire coffee crop, amounting in value to between fifteen and twenty millions of dollars. The United States, as one of the earliest friends of Brazil, most sedulously cultivates her friendship and buys from her and consumes more than half of her great staple, although Brazil takes from the United States in exchange less than two millions of her products; leaving a balance against the United States of nearly or quite fifteen millions of dollars annually, which is liquidated in gold; and if she were now promptly to refuse admission within her ports of every production of Brazil, both your excellency and all civilized communities would be compelled to concede that it would be no more than just, provided the government of Bra-

zil were to indorse and approve of the gross breach of neutrality so openly and insultingly perpetrated by the governor of Maranham.

But the undersigned has no apprehensions on this subject. While feeling deeply, and prepared to resent warmly this outrage upon the rights of his country, this attempt to exalt the traitors now in rebellion against his government into the equals of that country, this insulting assumption that the piratical vessel of a band of rebels without a flag, a government, or a nationality, is in all things the peer of the United States of America, and entitled at the hands of Brazil to equal honor, consideration, and hospitality—he does not for a moment doubt that the government of Brazil will take an early occasion to disclaim the insult which has been offered to the United States of America by the conduct of the governor of Maranham, in giving material aid and protection to a piratical vessel, especially chartered to prey upon American commerce, and also for the language used in his reply to the consul of the United States. He is not only encouraged in this conclusion by his confidence in the friendly feelings of the government of Brazil towards the United States, but by the explicit declaration of your excellency in the general assembly of Brazil in August last, in relation to this very question, involving the treatment of rebel privateers by the authorities of Brazil. And even if he could permit himself to doubt the friendly feelings and intentions of the Brazilian government towards the United States, which he certainly cannot and does not, he feels assured that your excellency will concede that, even if our rebels were our equals and had been acknowledged by all the powers of the world as possessing a nationality and the right to issue letters of marque which nationality confers, the conduct of the governor of Maranham would have constituted a gross breach of neutrality calling for rebuke and punishment. Vattel, than whom is no better authority in regard to the duties and rights of neutrals, thus simply and plainly discourses on the subject:

“Neutrals can give no assistance when there is no previous stipulations to give it, nor voluntarily furnish troops, arms, ammunition, *or anything of direct use in war.*”

Apply the language of Vattel, “*or anything of direct use in war,*” to the governor of Maranham’s deliberate assertion that it was his right to give to the pirate Sumter the necessary “provisions and coals for the continuance of her voyage,” and the absurdity and wickedness of that position becomes manifest. Without the coals, (contraband of war,) which the officer of the government of Brazil permitted the Sumter to receive in the port of Maranham, it is admitted by that officer himself that the pirate steamer could not have continued her voyage of extermination against the commerce of the United States on the coast of Brazil; and this isolated fact clearly characterizes the nature of the offence of which he was been guilty and the flagrant breach of neutrality involved in it, and in addition furnishes ground for conjecture in regard to the extent of mischief which it is too probable has arisen from it. It cannot be unknown to your excellency that in consequence of this piratical steamer having thus been supplied by an officer of the Brazilian government with the provisions and coals necessary to continue her voyage against the commerce of the United States, not less than thirty vessels sailing under the flag of our country are now lying idle in this harbor of Rio Janeiro, blockaded by a corsair virtually fitted out anew in a Brazilian port, and by an officer of the Brazilian government; and that American merchants, after having purchased cargoes of coffee, the great staple of Brazil, are compelled to permit their own ships to lie idle, at enormous expense, while they charter the vessels of other powers to transport their purchases of Brazilian products to the ports of the United States. And all this because an officer of the government of Brazil has violated his duty, and virtually armed a freebooter and pirate against American commerce.

The undersigned desires to be distinctly understood that in quoting from Vattel the clearly defined rights and duties of neutrals he does not, either for

himself or in behalf of his government, concede to the rebels any of the rights of belligerents, or to nations in amity with the United States, the power to concede them such rights, and the further right of assuming for themselves the privileges and immunities of neutrals. Traitors in rebellion against the government of the United States occupy temporarily a position which, in consequence of the climate by which they are surrounded, renders them inaccessible for a few months. In the meantime the government of the United States organizes, equips, and calls into the field, for the purpose of putting down the rebellion, a larger army than is possessed by any other government on earth, whether barbarian or civilized. This army is composed of material which a distinguished English writer says never has been equalled. It is furnished with all the arms and materials of war known to modern warfare; and it possesses a commissariat, quartermaster's department, and wagon train which has never been surpassed in any European army. No statesman doubts the result. Not one moment of unnecessary delay has been permitted to suspend the right of our government to put down the rebellion. We neither ask nor desire unusual time to punish the traitors and restore peace to the country, but stand pledged to the world—a pledge guaranteed by our actions—to bring this disturbance to an end at the earliest day that Providence, by the alternations of the seasons, will permit. And if it be the right of every sovereign nation to compel obedience to law and suppress rebellion, then, most assuredly, the nation thus called upon to discharge a great duty, not only to itself but to the cause of good order and legitimate government throughout the world, is entitled to a reasonable time within which to perform it; and every attempt on the part of other nations to abridge that time, or to claim for themselves the rights of neutrals as between the nation so situated and its rebels, is absolutely unfriendly, and calculated, if not intended, to embarrass her. We deny *in toto* the right of any friendly nation to degrade the United States to the condition of our rebels, or to exalt them to our position, by denominating them "belligerents" until within reasonable time we shall have made an effort to put down the insurrection which now exists. When that attempt has been made without unnecessary delay and failed, then, and not till then, may they be termed "belligerents;" and then, and not till then, may other nations place themselves in the position of "neutrals" in regard to us and our rebels. The undersigned is aware that England hastened to take the position that our rebels are belligerents simply because she hoped thus to avoid the necessity of capturing the rebel privateers as pirates, and that her act has been followed by other powers. But the act was deemed hasty and ill-timed, even by the English public, and was far from being considered a friendly one by the American people; and time will demonstrate that it was as unwise as it was manifestly unfriendly and unneighborly. When a rebellion occurs in any well regulated community and the government is proceeding with all haste to put it down, it is not a friendly act in other governments to interfere pending the measures resorted to to suppress such rebellion and declare such rebels belligerents and assume to themselves the rights and the positions of neutrals. And the day will come in the history of the world when those who have inaugurated this practice for purely selfish purposes may have cause sincerely to regret it.

The undersigned is led into these remarks by the attempt on the part of the governor of Maranhão to assume for the government of Brazil the simple and well defined rights and duties of a neutral, which the undersigned insists is not her actual position in regard to the rebellion now existing in the United States, and which, even if such were the position of Brazil, has been grossly violated by the governor of Maranhão. Brazil has other and higher duties to perform towards her friend, neighbor, and chief customer; and it will not be until after the United States, in the approaching winter months, has made the attempt and failed to put down the existing rebellion that Brazil, or any other

friendly power, will, in a moral point of view and by the universal standard of right and wrong, be at liberty to treat our rebels as belligerents, and thus indirectly acknowledge their independence. But as the undersigned has said in a previous despatch, "while the United States appreciate the good wishes of all who love order and maintain obedience to authority, they solicit no *sympathy* and will tolerate no *interference* from any quarter with their sovereign and inalienable right to put down rebellion and to punish traitors in the mode and after the manner which to them may seem expedient." All that is asked, therefore, of your excellency is:

First. Whether the government of Brazil has been officially advised of the visit of the piratical privateer Sumter to the port of Maranhão, and of the fact that she was there permitted, in the language of the governor, to lay in the necessary "provisions and coals to continue her voyage," which is well known to have for its sole object the capture of American vessels employed in peaceful commerce with Brazil?

Second. Whether, as the undersigned hopes and has some reason to believe, this gross violation of neutrality and most unfriendly act towards the United States has not already been disapproved by his Majesty's government; and if not, whether your excellency will not, at your earliest convenience, take the necessary measures to place this matter on a proper and friendly footing?

Third. Whether it is or is not the intention of the Brazilian government to permit the piratical letters of marque and privateers of the rebels of the United States to enter into the ports of Brazil, and there find succor and material aid—"provisions and coal—to continue their voyages" against the commerce of the United States?

In conclusion, your excellency will perceive that in this despatch the undersigned has intentionally avoided any consideration of the grave absurdity assumed by the governor of Maranhão, that the piratical privateer Sumter is a "man-of-war." If the government of Brazil should ever fall into any such error, it will then become the duty of the undersigned to endeavor to correct the mistake; but until then it is passed by as the vagary of one who, having knowingly done wrong, seeks to justify himself by an assumption created and adopted for the exigency.

Your excellency will perceive how desirable it is that the undersigned should be honored with a reply to this despatch in time to be forwarded to his government by the steamer of the 8th instant; because if this existing state of affairs is to be continued, clearing vessels from the ports of the United States to Brazil must be at once suspended by our government, it being absolutely impossible to protect them against piratical cruisers, harbored and permitted to replenish their outfits in the numerous ports of this kingdom.

The undersigned avails himself of this occasion to renew to his excellency his sincere personal respects and unfeigned regards, and desires to convey to him his most distinguished consideration.

J. WATSON WEBB.

His Excellency SENHOR B. A. DE M. TACQUES,
Counsellor and Secretary of State for Foreign Affairs.

Mr. Seward to Mr. Webb.

[Extract]

No. 16.]

DEPARTMENT OF STATE,
Washington, January 16, 1861.

SIR: Your despatch of November 23, No. 5, has been received. The reasons why not only a good understanding, but a cordial friendship, should exist between Brazil and the United States are so many and so obvious, and the evi-

dences of this conviction given by the Emperor on his part are so frank, that we should not willingly exaggerate the delay of the minister for foreign affairs to reply to your note on the subject of the proceedings of the governor of Maranhão.

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JAMES WATSON WEBB, Esq., &c., &c., &c.

Mr. Webb to Mr. Seward.

No. 6.]

LEGATION OF THE UNITED STATES,
Rio Janeiro, December 23, 1861.

SIR: I forward herewith the reply of the secretary of state for foreign affairs to my despatch of the 1st of November on the subject of the pirate Sumter. My reply, marked No. 2, is the best commentary I can make upon this very extraordinary document.

The despatch from the foreign office bears date December 9, and it reached me on the 13th. My reply, which bears date on the 17th, was not quite finished when the French steamer arrived announcing the fact that one of the confederate cruisers had arrived at and was lying in the docks at Southampton. This fact will, of course, strengthen this government in its position, but it could not in any way affect or influence me in the course which my judgment and feelings had indicated as the one proper to adopt.

The same steamer brought a telegram, said to have been received at Lisbon, announcing that one of our steamers-of-war had stopped, on the high seas, the British West India mail packet from St. Thomas, and taken out of her the rebels and ex-senators, Mason and Slidell. It, of course, produced great excitement here; and holding, as I do, that it is the imperative duty of a public minister to sustain, in every contingency, the action of his government, I could not resist a reference to our right to make such a seizure according to Lord Stowe, in consequence of our rebels having been recognized by England as belligerents. The reference will be found on page — of my despatch, and is based upon Wheaton, pp. 529 and 530.

I have made the necessary application for an exequatur in the case of Mr. Lindsay, which has issued accordingly.

I have the honor to be, very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States.

Mr. Taques to Mr. Webb.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Rio Janeiro, December 9, 1861.

The undersigned, member of the council of his Majesty the Emperor of Brazil, his minister and secretary of state for foreign affairs, has the honor to acknowledge the reception of the note which, under date of the 1st of November last, General J. W. Webb, envoy extraordinary and minister plenipotentiary of the United States of America, addressed to him, calling the attention of the

undersigned to the procedures of the president of the province of Maranhão in regard to the steamer *Sumter*, which made harbor there, carrying the flag of the States, so-called Confederate States of America, which find themselves in rebellion and at war against the United States.

By his note of the 6th of the same month Mr. Webb transmitted to the undersigned copy of the protest which Commodore Porter, commanding the United States frigate *Powhatan*, presented to the president of Maranhão, and as the grounds of that protest are the same as for the above cited note of Mr. Webb, the undersigned, in responding to this will have responded to the other.

Mr. Webb apprehends that the president of the province of Maranhão having allowed that steamer to remain for some days at the port of that capital, and permitted her to supply herself with coal, thereby grave offence was committed to his government, and that neutrality broken which the imperial government declared it would strictly maintain during the strife which is prolonged in the United States. Mr. Webb, entering into long disquisitions, in which the principles and rules of the law of nations are set forth in a mode, which to the undersigned does not appear to be correct, concludes by asking three questions, to wit: first, whether the imperial government had received official notice of what occurred at Maranhão in that emergency; second, whether the acts of the president of Maranhão were not yet disapproved, and in such case if the undersigned would take the measures necessary to place this matter upon the footing of the proper relations of amity; third, whether it is the intention of the imperial government to permit the cruisers of the rebels in the United States to enter and procure in the ports succor and material aid for continuing their cruises against American commerce.

Mr. Webb dwells upon showing that the United States constitute one of the great powers of the earth, which have always maintained their nationality against foreign aggression, which, having at this day to suppress a rebellion of some States, shows means and resources superior to those which the most powerful nations in the world, civilized or barbarian, have brought into action in their wars; and that as soon as the season admits of convenient military operations the rebels will end their career on the scaffold or the gallows; that the United States are ancient friends of Brazil, which has with them the most advantageous and extensive commerce, and that the States which entitle themselves confederate do not form a nation recognized by any power.

The undersigned, acknowledging the verity of the assertions of Mr. Webb in relation to the power and resources of the United States, to its friendly relations with Brazil, and the advantages of its trade, assures Mr. Webb that the government of Brazil offers up sincere prayers that God will suggest to the rulers of both the sections of said United States honorable means for ending the effusion of blood and all the calamities of civil war.

That war is more terrible the greater the resources and the more numerous the armies, and nothing can be more injurious to the prosperity of the United States, as well as to the commerce of the civilized world, and especially of Brazil.

As for the Confederate States, not an act of the Brazilian government, or of its agents, not a single official assertion can be produced which involves a recognition of those States as a nation sovereign and independent. What has happened at Maranhão is in proof of this truth. The frigate *Powhatan* was received with demonstrations of courtesy which were due to the flag of a friendly nation; no salute was given to the flag borne by the *Sumter*, and that the opinion of the president of the province might be understood the salute from that steamer was not added on the 7th of September to those of the vessels-of-war which celebrated the anniversary of the national independence.

The government of Brazil admits purely and simply that which it derives from the fact—notorious and incontestible—that the States referred to were found

to be swayed by a government *de facto*, acting with permanency, having in the field an army of many tens of thousands of armed soldiery, armed and equipped in a manner which might make, and, in fact, does make, war; that is, it recognizes in those States the rights and duties of belligerents in conformity with the law of nations. The convenience of trade, the usage of nations, and even humanity, counsel, under such conditions, this recognition, so that the evils inseparable from a state of war may be restricted to those whom the law of nations of the Christian world consider authorized to recur to this terrible necessity.

This attitude is what, in relation to the said States, the great maritime powers of Europe have taken; and the same fact, as well as the rights and duties of belligerents, have been recognized in the decisions of courts of justice in the United States.

Impartiality in the manner of treating both the contending parties, and consequently the recognition of the rights of belligerents, at the same time the interests of commerce also, and the love of peace, in the absence of engagements to the contrary, counsel neutrality.

Mr. Webb confounds, if it be permitted to say so, the recognition of a fact and of the rights of belligerents as the recognition of independence and sovereignty in behalf of the territory in rebellion.

Foreign powers are not judges between rebellious subjects and their sovereign or government; so, also, they are not judges between two nations. To be respected by them, they respect and treat both contracting parties with exact impartiality.

In like manner as a sovereign or government respected as legitimate would have the right to treat as an enemy any power which should give aid to its rebellious subjects, and obstruct the exercise of its rights to procure their submission, so also would rebels have the right to treat as enemies any power which should aid the sovereign or the government with which they are at war, or impede the undertaking of the measures proper to put an end to what they may suppose to be an oppression.

In civil wars one of the belligerents may disappear through submission, as in international war he may disappear through conquest. The conqueror has not the slightest right to call upon the powers who maintained an effective neutrality to give an account of the relations which they held during the war with those who were reduced to subjection by him.

Long since the treaty of 1630 between Spain and England, that of the Pyrenees of 1659 between France and Spain, and that of 1662 between England and Holland, all cited by Hautefeuille, proved the recognition of the right of holding relations with the Low Countries and with Portugal, revolted against Spain, as well as with any of the English or Dutch possessions in revolt against their sovereignties.

The undersigned might cite the opinions of celebrated authors. It suffices, however, that he refer to facts, and recalls what has been the practice of the government of the United States.

In the position in which, at this time, the States called Confederate find themselves, some time since in America the United States found themselves, and, after them, Brazil and all the republics which were colonies of Spain. In Europe, Greece and Belgium, and a little while since, Hungary, Italy, and other countries. Mr. Webb knows what were the principles, what the steady action which the powers of Europe adopted, and his own government, also, in relation to all those peoples. He knows that intercourse with them, and even the recognition of their independence, was never considered as a breach of neutrality, or an offence to the governments which sought to reduce them to obedience, whether they succeeded or not.

There is, then, nothing unusual or new in the procedure of Brazil in adopting

the position of a neutral in the contest alluded to, and in recognizing its existence; inasmuch as the rules of the laws of nations which regulate the condition of war, and the relations of belligerents and of neutrals are applicable to the case. If the government of the United States, in accordance with what Mr. Webb says, and what is in the protest of Commodore Porter, has reasons for attributing a like procedure by England to other motives, the undersigned can affirm to Mr. Webb that the imperial government has no motives beyond those which are explained by their justice, by the interests of commerce, by humanity, and even by the interests of the belligerents themselves. Since the Confederate States are recognized as having the rights and duties of belligerents, the military commissions regularly issued by them have the same effect as those issued by the acknowledged legitimate government.

Mr. Webb is not in harmony with the decisions of the tribunals of his country, and with the acts of his government, in so far as he seems to consider that a government which is not acknowledged cannot have vessels-of-war, and that letters of marque granted by it do not take from the vessel which takes prizes from the enemy the character of a pirate.

When, therefore, an armed vessel appeared at Maranhão, bearing the flag of one of the belligerents, when the commander of that vessel exhibited his commission as an officer in the navy of an existing government, and other documents which proved that vessel to be public property, and not the property and adventure of individuals, the president of Maranhão had to treat her as a vessel-of-war; nor was that inferred from the fact of her having made prizes of merchant vessels—cruisers of war take them also. If, in place of being the property of the State and a war cruiser, the *Sumter* had presented herself simply as a letter of marque, she would have had the right to be treated as a privateer, and not as a pirate.

Upon the question raised with Portugal in 1850 in respect to the American privateer *Armstrong*, burnt in the port of Fajal by an English frigate, it was shown how far the United States held that the duties of hospitality should be extended by a neutral to the privateer of a belligerent.

Some powers have adopted as a rule not to admit to entry in their ports either the privateers or vessels-of-war of belligerents; others are holden to do so under the obligations of treaties concluded with some of the belligerents before or during the war. Brazil has never placed herself in this exceptional condition, but under the general rule which admits to the hospitality of her ports ships-of-war, and even to a privateer compelled by stress to seek it, provided she brings no prizes, nor makes use of her position in such ports acts of hostility by taking them as the basis for her operations.

The rule adopted by civilized nations is to detain in port vessels equipped for war until twenty-four hours after the departure of any hostile vessel, or let them go, requiring from the commanders of vessels-of-war their word of honor, and from privateers pecuniary security and promise, that they will not pursue vessels which had left port within less than twenty-four hours before them. Nor do the rules of the law of nations, nor usage, nor the jurisprudence which results from treaties, authorize a neutral to detain longer than twenty-four hours in his ports vessels-of-war or privateers of belligerents, unless it could be done by the indirect means of denying them facilities for obtaining in the market the victuals and ship's provisions necessary to the continuance of their voyages. A neutral who should act in this manner, incarcerating in his ports the vessels of one of the parties, would take from one of the belligerents the exercise of his rights, turn himself by the act into an ally and co-operator with the other belligerent, and would violate his neutrality.

Without a previous declaration, before the principles adopted in Brazil and in the United States being known, such a proceeding on the part of the Brazilian

authorities towards the *Sumter* would take the character of a snare, which would not meet the esteem or approval of any government.

The hospitality, then, extended to the steamer *Sumter* at Maranham, in the terms in which it was presently afterwards given to the frigate *Powhatan*, involves no irregularity, reveals no dispositions offensive to the United States. It remains to know whether, in the exercise of this hospitality, the rights which restrict the commerce of neutrals with either belligerent were transgressed.

This point involves the whole question, because Mr. Webb bases his argumentation and his complaints on the construction which he gives of contraband of war as to pit coal.

He insists strongly, as did his consul at Maranham and Commodore Porter, on the idea that without coal the *Sumter* could not have continued her cruise. If this were a reason for forbidding the purchase of coal in the market, the States called Confederate would have the right to make the same complaint against the like permission presently afterwards given to the *Powhatan*; and if this reason could be brought forward in respect of coal, it could also be urged in respect of drinking-water and provisions, because without these none of these vessels could pursue their service.

The articles which are forbidden to neutral commerce by usage and by conventional law, under the denomination of contraband of war, are designated according to their kind; the list which includes them is constant; conventions may extend or amplify this list, but the commerce of neutrals cannot be exposed to seeing them amplified from day to day, and according to the impressions of the moment.

The question, then, consists in knowing whether coal is on the list of articles contraband of war, as understood among civilized nations, and especially Brazil and the United States, or whether it can be assimilated to any of the articles comprised in the list before steam was applied, and, by consequence, to coal in the application now made of it on vessels-of-war.

Mr. Webb has facilitated, considerably, this discussion by declaring, with reason, that coal ought to be comprehended in the category of naval munitions, and is in the same case as canvas, which is the material used for the propulsion of sailing vessels, as combustibles are used for steamers.

Mr. Webb is evidently mistaken in affirming that naval munitions, and among them canvas, are counted among articles contraband of war.

The undersigned will not here refer to the history of all the discussions which since the 16th century have arisen from the pretensions of some European states to include naval munitions among articles contraband of war. The writings of authoritative publicists, especially of Mr. Wheaton, are at hand to demonstrate the space that the question whether naval munitions shall or not be included in the list of contraband articles filed in the declarations of armed neutrality of 1780, and in other transactions which assumed that for basis, and caused their adoption.

Sufficient are the inconveniences which maritime war inevitably brings upon the commerce of neutrals, and ideas more humanitarian and more liberal always have the effect to restrict as much as possible the disturbances imposed upon that commerce. The part taken by the United States of America in these discussions redound to her glory, as well as the continued efforts she has made to secure the success of just laws.

On every occasion when it has been possible for them to strengthen the freedom of trade by articles of treaty, they have done so. Thus in the first treaty which is found in their collection, (*Gordon's Digest*), which was that concluded with Prussia in October, 1782, the following was stipulated in article 24:

"All the effects and merchandises not before specified expressly, and even all sorts of *naval matters*, however proper they may be for the construction and

equipment of vessels-of-war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband."

The same doctrine is found established in a manner still more explicit in article 13 of the treaty concluded with France on the 30th of September, 1780, and in article 10 of the treaty of the 23d of April, 1783, with Sweden.

Both the article of the treaty with Prussia and the last were confirmed by conventions subsequently made with the same powers in 1827 and 1828.

The United States made such constant efforts to establish and settle this doctrine, that the clear and explicit provisions of the treaty with Sweden were reproduced in those which they concluded with Spain, in 1785, with the republics of Columbia, of Central America, of Mexico, of Chili, of Venezuela, of Bolivia, and of Ecuador, in the years 1824, 1825, 1831, 1832, 1836, and 1839.

Be as they may the stipulations of the United States with other powers, that which is opportune to consider for application to the case now occurring are the stipulations they have with Brazil. These are found in articles 16 and 17 of the treaty concluded on the 12th of December, 1828, which says thus :

"Art. 16. * * * Under this name of contraband, or prohibited goods, shall be comprehended, 1st, cannon, mortars, howitzers, swivels, blunderbusses, muskets, fuses, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberts, and grenades, bombs, powder, matches, balls, and all other things belonging to the use of those arms ; 2d, bucklers, helmets, breastplates, coats of mail, infantry belts, and clothes made up in the form and for a military use ; 3d, cavalry belts and horses, with their furniture ; 4th, and generally all kinds of arms and instruments of iron, steel, brass, and copper, or of any other materials manufactured, prepared, and formed expressly to make war by sea or land.

"Art. 17. All other merchandises and things not comprehended in the articles of contraband expressly enumerated and classified as above, shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded."

Still, as this treaty in what regards navigation and trade has expired, these provisions can only be cited as simple indications of the doctrine, but still as urgent and obligatory, because it must be understood that they have for their object peace and friendships, and are therefore such as, by section 1 of article 33, it is determined are to be permanent.

By the steadiness with which the United States insisted on inserting this limitative clause of articles contraband of war in all the treaties they have concluded with the American nations over which certainly it would rather be the case they would exercise influence than be influenced by them, it follows that it was by their effort and steady desire to cause this clause to be adopted at least as an incontrovertible point of the law of nations in America ; yet in Europe it has not been possible ever to give it this character, notwithstanding the efforts of the nations of the Baltic, of France, and of the United States.

Nowadays, that better principles prevail in Europe, it will not be possible for the government of the United States to set up a pretension contrary to all its past without exposing itself to the charge of abandoning, now that it is a belligerent, the principles which it sustained when it had the prospect of being always neutral amid European wars.

Mr. Webb asserts that in the last war against Russia coal was declared to be contraband. Mr. Webb does not enforce his assertions with any documentary proof, and it is permissible to believe this is a mistake on his part. Heffter, in his "International Law of Europe," translated by Bergen, edition of 1857, speaking of steam-engines and of coal, says as follows : "They are not, therefore, by their nature, in the number of prohibited articles of merchandise. We

must, in fine, observe that during the last war in the east the allied powers practiced the most liberal principles; that they only comprised under the name of contraband arms, ammunition, and objects intended solely for the uses of war, by maintaining in these respects the provisions of existing treaties; that, in fine, prohibitions to export only applied to the territories respectively of the belligerents. This fine example will, without doubt, not be lost sight of in future maritime wars."

Beyond this, in the "Moniteur Universel" of the 6th of April, 1854, was published a declaration of the Danish government, in which definition is given of the articles which constitute contraband of war, and coal is expressly excepted, and this act did not call forth any remonstrance on the part of belligerents.

That belligerent states, in considering, by reason of special circumstances, pit coal or other kinds contraband of war, only included that neutral or carrying trade for supplying the enemy, and applied confiscation to things of this sort found on the way to the ports or to the troops of their adversaries, can be comprehended and justified as a doctrine held by some governments and writers; but to seek to prohibit to neutrals in their own territory the sale of similar articles is an exorbitant pretension, which has no support in any precedent in the history of the law of nations.

While sustaining the true principles which are without controversion received upon this subject, the undersigned begs Mr. Webb to keep in view the difference there is between a government supplying a belligerent with any articles and allowing him to provide for himself in the markets, and will invoke in his favor an authority which will do away with every cause for claim in the case of the Sumter which he could still have, as to whether he should consider naval provisions contraband or not; that authority is that of "Kent's Commentaries on American Law," part 1, sec. 1:

"It is a general understanding, grounded on true principles, that the powers at war may seize and confiscate all contraband goods, without any complaint on the part of the neutral merchant, and without any imputation of a breach of neutrality in the neutral sovereign himself. It was contended on the part of the French nation in 1796 that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was *successfully shown on the part of the United States that neutrals may lawfully sell at home* to a belligerent purchaser, or carry themselves to the belligerent powers contraband articles subject to the right of seizure *in transitu*. This right has since been explicitly declared by the judicial authorities of this country. The right of the neutral to transport and of the hostile power to seize are conflicting rights, and neither party can charge the other with a criminal act."

According to this exposition, the undersigned considers that he has responded to the questions which in his note of the 1st of November Mr. Webb addressed to him.

All the considerations—into which Mr. Webb enters largely—to show the commercial importance of the friendship of the United States for Brazil are continually in view of the government of his Majesty the Emperor. The sincere desire to preserve that friendship cannot counsel any other policy than that of the most complete neutrality in the strife which has unhappily broken out.

The extensive consumption of Brazilian productions in the United States finds its theatre as much in that portion which is subject to the general government as in the portion in rebellion. Whatever may be the eventuality of the civil war, Brazil desires to preserve the relations of friendship which it has cultivated with the United States, and it will never be by its fault, intention, or aid that this pacific and lawful commerce will become exposed to depredations and risks. It executes impartially the judgments of law; without that there

can be imputed to it consequences which are not in conformity with the interests of any parties. If American merchant vessels have not ventured to reach these seas, it is not because at Maranhã a rebel cruiser bought coal; it is because there are privateers and cruisers at sea, and with that Brazil cannot in any way be held connected.

Commercial relations grow out of the action, purely voluntary and free, of the citizens, and are always understood to be in conformity with the interests of both parties. The undersigned entertains the well-founded confidence that the government of the United States will not understand the obligations of neutrality and the rights of friendly powers in relation to the rebels in a manner differing from that in which the government of Brazil and all other nations understand them. But if, unhappily, this confidence should be illusory, and if by reason of occurrences such as that of the *Sumter*, in which no intention can be presumed for offending or causing injury to the United States, its government, through hostility to Brazil, should take recourse to the extraordinary measures described by Mr. Webb, by placing obstructions on commerce, it would do an unjustifiable act of manifest wrong and oppression to its own citizens. The undersigned therefore steadfastly hopes that such will not happen, and still considers that such conjectures need not be the subjects of discussion. Not less does the undersigned confide in the justice and enlightenment of the government of the United States than in the lofty character and cultivated intellect of their distinguished representative at this court, that the action of the imperial government will be appreciated as it merits, and that this frank exposition of its views will be received as another proof of its loyalty and of the integrity of its purposes.

In concluding this somewhat long note, the undersigned avails himself of the occasion to renew to Mr. Webb the assurances of his high consideration and perfect esteem.

B. A. DE MAG'ES TAQUES.

Mr. J. W. WEBB, &c., &c., &c.

Mr. Webb to Mr. Taques.

LEGATION OF THE UNITED STATES,
Petropolis, December 17, 1861.

The undersigned, envoy extraordinary and minister plenipotentiary from the government of the United States of America, has the honor to acknowledge the receipt of the despatch of his excellency Señor B. A. de Magalhães Taques, counsellor to his Imperial Majesty, minister and secretary of state for foreign affairs, bearing date December 9, 1861, in reply to the communication which he had the honor to address his excellency on the 1st November, calling the attention of the Brazilian government to what the undersigned considered, and still considers, an unfriendly act towards the United States and a gross breach of neutrality by the president of the province of Maranhã, who is an officer of the imperial government, and holds his place directly from his Majesty the Emperor. That personage permitted a piratical steamer, belonging to citizens of the United States in rebellion against their government, to enter the port of Maranhã and there remain for a period of nine days, during which time she was permitted to display a flag unknown and unrecognized by the established governments of the world, and, by consent of the president of Maranhã, was supplied with provisions and coal to prosecute her voyage, which avowedly had no other object or purpose but to prey upon and destroy the commerce of the

United States, one of the great powers of the earth, in amity with the imperial government of Brazil.

In the communication of the undersigned, to which your excellency's despatch purports to be a reply, he proposed to your excellency certain questions, which are recognized and set forth in your excellency's reply, for the purpose, apparently, of being answered. Indeed, your excellency recapitulates those questions, and also—alluding to Commodore Porter's protest, a copy of which the undersigned enclosed to your excellency in order that the history, conduct, and piratical character of the steamer *Sumter* might be known to you, and not as indorsing its language or sentiments in regard to other powers—distinctly says that, in answering these questions and the despatch of the undersigned, he will have replied also to the protest made by Commodore Porter; and yet the undersigned cannot discover, in the long and able despatch referred to, the promised answer of his excellency, so much desired by the undersigned, and which is doubtless so eagerly looked for by the government of the United States.

Your excellency assures the undersigned that the course of Brazil in regard to the existing rebellion in the United States has been proclaimed, and is well understood to be one of perfect neutrality. Such, most assuredly, was the supposition of the undersigned when he wrote his communication of the 1st of November, but it was based solely upon the declaration of your excellency, reported to have been made officially to the general assembly of Brazil pending its last session, in which, in behalf of and in the name of the imperial government, your excellency is reported to have said that, in preserving the neutrality of Brazil, neither privateers nor vessels sailing under letters of marque would be permitted to enter any of the ports of Brazil, except forced to do so by stress of weather. And the undersigned has reason to know that since such reported declaration of your excellency the same sentiment, as embodying the purposes of the imperial government, had been reiterated in your official conversations. Still, the undersigned was without any tangible evidence or official statement of the views of the imperial government of Brazil upon this all-important subject which it could transmit to his government; and therefore he begged to be officially enlightened upon the subject, and propounded to your excellency the questions which are conceded to be proper and appropriate, and which your excellency quoted for the purpose of answering, but to which, in the hurry inseparable from the vast extent of business of your elevated station, you omitted to respond. The undersigned will therefore, he feels assured, be pardoned for now repeating the questions contained in his despatch of the 1st November, the relevancy of which has been conceded, viz: "1st. Whether the government of Brazil has been officially advised of the visit of the piratical privateer *Sumter* to the port of Maranhão, and of the fact that she was permitted, in the language of the governor, to lay in the necessary provisions and coals to continue her voyage, which is well known to have for its sole object the capture of American vessels employed in peaceful commerce with Brazil? 2d. Whether, as the undersigned hopes and has some reason to believe, this gross violation of neutrality and most unfriendly act towards the United States has not already been disapproved by his Majesty's government; and if not, whether your excellency will not at your earliest convenience take the necessary measures to place this matter on a proper and friendly footing? 3d. Whether it is or is not the intention of the Brazilian government to permit the piratical letters of marque and privateers of the rebels of the United States to enter into the ports of Brazil, and there to find succor and material aid, 'provisions, and coals, to continue their voyages' against the commerce of the United States?"

As the well-settled policy of the imperial government is familiar to your excellency, who constitutes a part of that government, it was quite natural to assume, as you doubtless did, that its purposes are too well known to require further allusion to them; and hence, probably, the omission to give the under-

signed the information he sought to obtain in a tangible form for transmission to his government, with a view to allay the excitement which was inevitable upon the fact becoming known to our people that the privateer Sumter had been furnished with the means of continuing her depredations upon American commerce in a port of Brazil, and by order of the president of Maranhão, who holds his office from his Imperial Majesty Don Pedro II, with whom the government of the United States have ever maintained the most friendly relations. The undersigned, therefore, ventures to express the hope that he will be furnished at an early day with the information he seeks, and which is of primary importance in doing away with misconceptions which have arisen in the United States in regard to the affair of the Sumter. Your excellency is in error and has misconceived the tenor of the despatch of the undersigned of the 1st of November, if he imagines that the writer in any way confounded the mere fact of the recognizing the rebels of the United States as belligerents with the recognition of their independence as a nation. That recognition by England, followed by other powers, and since acted upon by Brazil without having put forth any document to which the undersigned can refer to illustrate her actual position, was simply to avoid the necessity of capturing the rebel privateers as pirates; but from the day of such recognition, which the undersigned believes to have been premature and unnecessary, and which is looked upon by our people as an unfriendly act, she has done nothing to take from the rovers of the rebels the odium which so justly attaches to them as corsairs sailing the ocean without a recognized flag.

It is your excellency and the government of Brazil which commits the identical mistake charged upon the undersigned. If the president of Maranhão, acting as the agent of the imperial government of Brazil, had treated the pirate Sumter as she would have been treated in any one of the ports of friendly nations, or if she had been peremptorily ordered to sea within twenty-four hours, and all coals and provisions refused her, as would have been the case if she had entered a port belonging to France, then there would have been no cause of complaint by the undersigned, as the representative of the American people, for a gross breach of neutrality, resulting in furnishing material aid to a notorious corsair whose sole object was to prey upon and destroy American commerce. But the representative of Brazil did not treat the corsair as she would have been treated by all the nations of Europe friendly to the United States, but, on the contrary, confounded the fact of the rebels of the United States being recognized as belligerents merely, with their recognition as an independent and sovereign nation; and your excellency virtually adopts this assumption of the president of Maranhão, by claiming for their steamer the *nationality* of a "vessel-of-war," and all the rights, privileges, and immunities which a full and entire recognition of the independence of our rebels would have secured to their piratical cruiser. And in this connexion it is proper to say that the undersigned has attempted in vain to discover what possible additional advantage your excellency could have conceded to the Sumter and the rebels of the United States, if they had been formally acknowledged by Brazil as an independent nation, which is not claimed for them in your recent despatch. You insist upon their equality in all respects. You claim for them every right and privilege from Brazil, as a neutral, which Brazil would be bound to extend to the national vessels of England or France if they were at war with the United States. You concede to them a nationality and all the rights and privileges of a recognized nation. You elevate their piratical cruisers to the dignity of "vessels-of-war;" and then inform the American people, through the undersigned, that "in the same manner that a sovereign or government reputed legitimate would be right to be hostile to the power which aided the rebellious subjects, or impeded their rights to subjugate them, so in the same manner the rebels would have the right to do harm to the powers that aided the sovereign or government with whom they were at war,

or who impeded the means employed by them to end what they believe to be an oppression."

And again, after claiming for the rebels every right and privilege which they could claim for themselves if they had been formally recognized as an independent nation by Brazil, your excellency proceeds to say there is nothing either unusual "or new in the procedure of Brazil in adopting the neutral position in the struggle alluded to, and in acknowledging that it exists she must apply the rights of nations relative to war to the relations of the belligerents."

It is clearly manifest, then, that your excellency, and not the undersigned, has confounded the hasty measure of recognizing our rebels as belligerents with the formal recognition of their independence; and it is your excellency who, because they have been conceded to be belligerents, insists upon their having every right and privilege which the recognition of their independent sovereignty could have conceded. Hence you call their corsairs and privateers even but "vessels-of-war;" and having thus clothed them with dignity, and given them a *national* character, you express astonishment that the representative of the United States near this imperial court should take offence at seeing his nation thus degraded to an equality in all respects with the traitors and rebels who are seeking to destroy the government which it is his pride to represent.

What is said in regard to the treaty of 1630 between Spain and England, that of the Pyrenees in 1659 between France and Spain, and that of 1662 between England and Holland—all conceding the rights of neutrals to trade with their rebels—is very well and true; but the undersigned passes it by as having no bearing whatsoever upon this question under discussion. He has never complained of any attempt on the part of Brazil to trade with the rebels and enter their ports, but concedes her the right to do so at her peril from our blockading fleet. Nor has he complained of her wish to preserve to herself a position of neutrality; but he has formally complained that an officer of Brazil deliberately and offensively, and to the injury of American commerce, violated that neutrality; and he now complains that your excellency, speaking in the name of the Brazilian government, insists upon treating our rebels, because recognized as "belligerents," precisely as if their independence had been conceded, and virtually avows that every right and every honor and every privilege and all the courtesy and hospitality due to a "vessel-of-war" belonging to the United States are equally due to the piratical cruiser of the rebel confederacy! because, forsooth, an officer of the imperial government in authority at Maranham has, by a stroke of the pen, exalted a notorious corsair and most reckless and cruel pirate into a "vessel-of-war."

The undersigned is, however, pleased to perceive that the justification for the conduct of the president of Maranham is placed solely upon the assumption that the Sumter was a "vessel-of-war," and, as such, entitled to all the courtesy and hospitality which it is customary to extend to national vessels. The fact of her *national* character being admitted, all the reasoning of your excellency based upon that fact, and the conclusions to which they lead, are cheerfully conceded by the undersigned. In law, if an *alibi* is clearly proved, the charge of crime disappears; and so with regard to the Sumter—if, instead of being a piratical cruiser belonging to traitors in rebellion against the United States, without a country or a nationality, and without a flag, even, which is known to or recognized by any of the governments of the world, it should appear that she was a "vessel-of-war" belonging to a nation in amity with Brazil, whose flag is recognized, honored, and respected by the powers of the world, beyond all question the undersigned has been deceived, and his remonstrance against the hospitality extended to her, and the supply of coals furnished to enable her to prey upon American commerce, fall to the ground, and are of no effect. Now, what are the facts of the case? The undersigned is safe in saying that the character of the Sumter at the time she visited Maranham was notorious throughout christendom;

and to no one better known than to the president of Maranham. And her corsair commander so well knew her character and the notoriety which attached to her acts that he dared not openly sail into a Brazilian port, fearing, if he did so, that the authorities, conscious of the friendly relations existing between Brazil and the United States, might detain her as a piratical cruiser preying upon the commerce of the United States with Brazil. He therefore, while his vessel was yet outside the port, asked *permission* to enter! Was this the act of a vessel-of-war—a national ship, proudly carrying at her peak her national standard? or was it not rather the appropriate proceeding of a pirate who trembled for the consequences of his lawless acts? The permission was granted, and she was further permitted to remain nine days in port, and supplied with provisions and coal wherewith to continue her depredations upon American commerce. The people of Maranham indignantly rebuked the authorities for their gross breach of neutrality; and then it was, and not till then, that in order to secure himself from a just popular indignation, the president of Maranham made the important discovery, aided no doubt by the pirate captain, that the Sumter was a “vessel-of-war.” He so reports to your excellency, and your excellency, in good faith no doubt, accepts the absurdity, assures the undersigned that the Sumter was regularly commissioned as a man-of-war, and therefore was treated, from necessity, precisely as was subsequently treated the United States steamer Powhatan. And it was because this very strange ground had been assumed by the president of Maranham, as the undersigned learned from your excellency, that he enclosed as soon as it came to hand a copy of Commodore Porter’s protest as exhibiting the true character and antecedents of the Sumter. If the undersigned comprehends the bearing of your excellency’s despatch, the whole question turns solely upon whether the Sumter was a vessel-of-war. Your excellency adopts the assumption of the president of Maranham, and having thus laid down your premises, proceed to reason from the position assumed, well knowing if the position be erroneous, it follows of course that the conclusions arrived at from false premises necessarily fail. The undersigned regrets extremely that one so qualified as is your excellency to determine what constitutes a “vessel-of-war” should have been content with adopting the assumption of the president of Maranham, instead of enlightening the undersigned on the subject, and thus simplifying this question. And in the absence of such light as your excellency could have furnished on this question, the undersigned is compelled to give his own crude views upon the subject. A “vessel-of-war” must of necessity be a *national* vessel; that is, private individuals banded together as such, no matter for what purpose, cannot create, or, the books have it, “set forth a vessel-of-war.” That is the act of a nation; and individuals in rebellion against a legally-established and long-recognized government, be they many or few, cannot “set forth a vessel-of-war” until they themselves have acquired a nationality by the recognition of their independence by other nations.

“The mere employment in an enemy’s military service is not sufficient.” It requires a solemn act, “by competent authority,” and that authority *national*, not individual, to make a *national* ship; and national ships only are “vessels-of-war.” It does appear to the undersigned nothing less than an absurdity for the president of Maranham to insist that a band of lawless citizens of the United States, in rebellion against their government, can create, possess, and “set forth a vessel-of-war,” clothed with a nationality which they themselves do not possess. The people in rebellion against the United States are not only treated as rebels by us, but are so held and treated by every Christian power, Brazil included. Your excellency scents at the idea of your having recognized their independence or conceded to them nationality, because you choose to consider them “belligerents,” and yet you give to one of their piratical cruisers a national character, and make her a national vessel, while you refuse to those who own her the nationality they so much covet. Without a solitary nation recognizing this

nationality; without the right to have a flag, and demand that it will be respected; with every court in the world, Brazil included, closed against their representatives; without a name or nationality of any kind, and everywhere tabooed as rebels, Brazil, without due reflection no doubt, deliberately exalts their corsairs into "vessels-of-war," and gives them a nationality and an equality with the national vessels of England, France, and the United States; distinctly proclaiming that the rebel cruisers are entitled to every right and privilege, and all the hospitality and respect which by custom is extended to the ships-of-war of the nations of the civilized world.

The undersigned will only add that, in his judgment, and according to the established theory of his government, an armed vessel, owned by individuals and having no nationality, which preys upon the commerce of any nation, is simply a *pirate*; and while the doctrine of the president of Maranhão, if adopted by his government, may make these piratical cruisers the equals of ships-of-war of all nations visiting ports of Brazil, and entitled there to receive similar honors, immunities, and hospitalities, the example will scarcely be followed by other nations. But it is a source of gratification to the undersigned to perceive in your excellency's despatch advocating this strange doctrine—and which, followed to its legitimate conclusion, compels Brazil to treat our rebels with all the courtesy and consideration extended to the most favored nations, at the same time that she refuses to acknowledge their nationality or to receive their envoys—the evidence that in practice you do not carry out your theory, and that the fair and pardonable inference is, that the assumption of the president of Maranhão that the Sumter was a national vessel was, as has been alleged, at the suggestion of the corsair captain himself, and that the imperial government have fallen into the error of assuming their agent to be right, without pausing to inquire where such an assumption would lead, and what would be the inevitable consequence upon the future position of Brazil in regard to great international questions.

Your excellency, when commenting upon the rights and privileges of national vessels, and the hospitality to be extended to them, says:

"When, therefore, an armed vessel appeared in Maranhão, hoisting the flag of one of the belligerents; when the commander of that vessel showed his commission as a naval officer of an *existing government*, and other documents which proved that vessel to be public and not private property, the president of Maranhão was *bound to treat her as a vessel-of-war*; nor could the fact of her having taken vessels of commerce destroy that character, the cruiser of war doing the same." * * * * *

"The hospitality, therefore, extended to the steamer Sumter in Maranhão, *on the same terms* as those immediately afterwards given to the frigate Powhatan, does not show any irregularity."

And yet your excellency, in another part of your despatch, distinctly charges that the president of Maranhão did *not*, as your excellency assures the undersigned it was his duty to do, treat the Sumter as a "vessel-of-war" possessing a nationality and denominated a national vessel or a ship-of-war, entitled to the hospitality subsequently extended to her, and which is now defended as her *right* to demand and the *duty* of Brazil to concede. The undersigned alludes to that passage in your excellency's despatch in which he is distinctly assured that while "the frigate Powhatan was received with the demonstration of courtesy due to the flag of a friendly nation, the flag which was raised on the Sumter was not saluted; *and the opinion of the president of the province being made known to them*, the salute of that steamer *was not united* on the 7th of November to those of the *vessels-of-war* which welcomed the anniversary of the national independence."

Does not this fact, so distinctly put forth by your excellency in regard to the treatment of the pirate Sumter on the 7th September, based on the opinion of

the president being made known to her commander, very conclusively demonstrate that the president of Maranhão was familiar with her true character, and that the pirate did not pretend to be anything but the corsair which all christendom knows her to be? Does it not prove, too, that she was not considered, and did not even claim to be, a "vessel-of-war?" and does not it sustain the undersigned in the assumption contained in his despatch of the 1st of November, that the calling her a "vessel-of-war" was an afterthought, and resorted to in consequence of the excitement among the loyal and conservative population of Maranhão, who publicly denounced the president of that province for a gross violation of neutrality, and demanded his removal from office?

Your excellency assumes that the undersigned indicated what would probably be the course of the United States, in vindication of her honor and the protection of her interests, if Brazil persevered in rendering "material aid" to her rebels by furnishing provisions and coals wherewith to continue their voyages and depredations on American commerce. This is an error. The undersigned has no instructions from his government in relation to such a breach of neutrality as has occurred in the instance of harboring the steamer *Sumter*, furnishing her with provisions and coals to continue her voyage, proclaiming her a "man-of-war," recognizing her *nationality*, and declaring her to be the equal, in all respects, of any one of the regular vessels-of-war of England, France, and the United States, at the same time that Brazil studiously avoids recognizing the independence of the rebels, to whom she belongs, and professes a sincere friendship to the government of the United States. It was not possible for the government of the United States to imagine that such a state of affairs could, under any circumstances, arise. They well knew that no government of Europe would do aught which might justly be construed into a declaration of war against the United States, even if they could so far forget what was due to the prestige of legitimate and well-established governments as to recognize them as "belligerents," in order to avoid the necessity of treating them as "pirates." They knew it was absolutely and morally impossible that the *Sumter*, Jeff Davis, and vessels of that character, as familiarly known to Europe as to Brazil, would ever be permitted to enter friendly European ports for provisions and coals, to be supplied by permission of the government with all they desired, and be openly received as "vessels-of-war," entitled to every honor, privilege, and immunity granted by the comity of nations to the national ships of the chief powers of the earth; and, knowing this, feeling a well-grounded assurance that the self-respect of the European powers would sufficiently protect them against such an anomaly as receiving, harboring, and fostering, as a "vessel-of-war," the piratical cruiser of a band of rebels, whose representatives were universally treated with cold contempt, and refused a hearing at every court in christendom, it would indeed have been strange, nay, insulting to Brazil, if the government of the United States had anticipated a procedure here which they knew to be impossible in any port of either of the friendly European powers; and had accordingly instructed the undersigned how to meet such a contingency. The government of the United States looks upon Brazil as a friendly power; and, therefore, when the undersigned was sent to represent the government and the people of the United States at this imperial court, he was not only instructed to do all in his power to draw closer the bonds of amity which have ever existed between the two nations, but his government studiously avoided even the appearance of a suspicion against the honor and friendship of Brazil by abstaining from any (the slightest) instructions based upon a supposition that Brazil could be forgetful of her duty to her friend and the comity of nations by harboring piratical cruisers of her rebels, giving them material aid in the shape of provisions and coals, and then elevating them to the dignity of "vessels-of-war," and publicly proclaiming that the pirate *Sumter* was legitimately, and, according to international law, entitled to every honor and privilege accorded to the United States

frigate Powhatan, and that to have refused such privileges and immunities would have given the rebels just cause of complaint against Brazil. The undersigned, therefore, wishes it to be distinctly understood that he has not pretended to say what should be the action of his government in regard to this grave complication of the Sumter. Having no instructions upon a question the occurrence of which could not be anticipated, the undersigned in no part of his despatch commits his government to any line of conduct calculated to bring the imperial government of Brazil to a sense of the gross misconduct of its official—the president of Maranhão. It is true that, in his despatch of the 1st of November, the undersigned commented upon the commercial relations existing between Brazil and the United States as follows :

“The United States, as one of the earliest friends of Brazil, sedulously cultivates her friendship, and purchases from her and consumes more than half of her great staple, although Brazil takes from the United States, in exchange, less than two millions of her products, leaving a balance against the United States of nearly or quite fifteen millions of dollars annually, and which is liquidated in gold ; and if she were now promptly to refuse admission within her ports to every production of Brazil, both your excellency and all civilized communities would be compelled to *concede* that it would be no more than just, provided the government of Brazil were to indorse and approve of the gross breach of neutrality so openly and insultingly perpetrated by the governor of Maranhão.”

This, your excellency will perceive, was simply an expression of the individual opinion of the undersigned, the force and justice of which he expected your excellency to ‘concede ;’ but it did not, directly or indirectly, intimate what would probably be the action of the government of the United States, because, as has been heretofore stated, as no American statesman could anticipate such unfriendly conduct on the part of Brazil, the Secretary of State of the United States could not suggest remedies for a contingency which was not deemed within the scope of *possibilities*. For the sentiment, such as it is, the undersigned is alone responsible ; and as soon as he receives your excellency’s response to the questions, the relevancy of which has been admitted, he will transmit to his government your excellency’s despatch for their action, being, as he has already said, without instructions to guide him upon the occurrence of a contingency which could not be anticipated pending the existing amicable relations between Brazil and the United States. The great error of the undersigned consists in his having misapprehended the purposes of the imperial government in relation to the proceeding at Maranhão ; but your excellency will admit that he has been led into error by your excellency’s official declaration to the legislature of the empire, and by subsequent declarations, sustaining the policy then proclaimed. Therefore it was that the undersigned said in his despatch of the 1st of November he had “no apprehensions upon this subject. While feeling deeply and prepared to resent warmly this outrage upon the rights of his country—this attempt (on the part of the president of Maranhão) to exalt the traitors now in rebellion against his government into the equals of that government—this insulting assumption that the piratical vessel of a band of rebels without a flag, a government, or a nationality, is in all things the peer of a ‘man-of-war’ of the United States of America, and entitled at the hands of Brazil to equal honor, consideration, and hospitality—he does not for a moment doubt that the government of Brazil will take an early occasion to disclaim the insult which has been offered to the United States of America by the conduct of the president of Maranhão in giving material aid and protection to a piratical vessel especially chartered to prey upon American commerce.”

In this reasonable expectation he has been grievously disappointed ; and he very sincerely regrets that by his error he has misled his government into a belief that the imperial government of Brazil did not, could not, and would not

sympathize with or approve of the conduct of the president of Maranhão. But such is his anxious desire not only to preserve the existing amicable relations between the two countries, but to be the humble instrument of drawing closer together the two great nations of the American continent, whose aim it should be to act in concert on all international questions and to give tone to an American policy, that he ventures to entreat of your excellency to review the affair of the *Sumter*, and the position assumed, that she is a "vessel-of-war," and entitled to demand of Brazil every honor, every courtesy, and all the facilities to continue her voyage, which could be demanded in behalf of, or extended to, the United States man-of-war *Powhatan*. If this be true of the *Sumter*, it is necessarily true of every piratical vessel or privateer fitted out by the American rebels to prey upon American commerce. And if true in relation to all of them, has not the government of Brazil, under the plea of "neutrality," conceded to our rebels in this regard every right and privilege which would have been conceded to them if she had formally recognized their independence as a sovereign power before it was possible to make an effort to put down the rebellion? Permit the undersigned to hope that the government of Brazil has been entrapped into according to the pirate *Sumter* a character and a nationality which not only does not belong to her, but which it is evident even her captain did not claim for her when he asked for "permission" to enter the port of Maranhão, and which it is equally evident the president of Maranhão did not concede to her when, as I learn from your excellency's despatch, although he gave her permission to enter the port, he refused to permit her flag to be saluted, and, not content with this, *prohibited* her uniting with the ships-of-war in the harbor of Maranhão in firing a salute in honor of the anniversary of the independence of Brazil! It would appear, then, that whatever of the odor of nationality there was about the *Sumter* was given to her in the harbor of Maranhão, and by the president of that province, after the 7th of September.

Your excellency questions the fact whether, in the war between France and England in 1853-'54 against Russia, coals were declared "contraband of war," and complains that the undersigned did not authenticate his declaration by official documents. He did not do so for the best of all reasons, viz: there were none within his reach at the time of writing, although from his knowledge of the events of that war he spoke very positively upon the subject. Now, however, the case is different; your excellency, in furnishing the quotation from "Hiffer," has furnished all the testimony necessary to sustain the undersigned in his position.

From that quotation it would appear that coals and other contraband articles were only prohibited as articles of commerce when destined to one of the "belligerents." In other words, France and England did not consider a vessel carrying coals to the United States or Brazil as engaged in a trade declared contraband, but if destined for the Crimea or the Russian fleet they were so considered. And so at this moment; the United States do not interfere with neutral vessels carrying coals to Brazil, but if the vessel of a neutral were to present herself off the harbor of Charleston with a cargo of coals, and another neutral vessel at the same time with a cargo of the manufactures of Manchester, the latter would simply be *warned off* from a blockaded port, while the former would be seized for carrying to an enemy "material aid" in what has become, in this age of steam, "contraband of war." It would be as lawful to seize and confiscate such a vessel as it would be for one of our "men-of-war" to overhail and take out of a neutral vessel of any nation the soldiers, officers, ministers, secret agents, and despatches of our rebels, it being one of the principles of international law, universally recognized, that a man-of-war of a "belligerent" may at all times stop neutral vessels to verify their character. For all the purposes of this despatch, however, whether "coals" be or be not "contrabands of war," is a matter of no importance; because your excellency has made a national

ship of the Sumter, a "vessel-of-war," invested with every right and privilege which attached to the United States ship-of-war Powhatan. Were it otherwise, the undersigned would point to the quotation from "Hiffer" to prove that, while it was deemed no offence against the rights of "belligerents" to carry coals between England and America in 1854, it was a wrong to send them to the Crimea, and so in 1861. While there is no offence in carrying coals from a port of England to the United States or Brazil, it is an unfriendly act and a breach of neutrality for an officer of the imperial government of Brazil to furnish coals to a piratical steamer in a port of Brazil, for the express and avowed purpose of enabling such pirate "to continue her voyage," the sole object of which was known to be the destruction of American commerce. The undersigned, in his previous despatch and in this paper, has characterized the Sumter as a "pirate," while your excellency has exalted her into a "vessel-of-war." Your excellency's authority for thus dignifying that corsair, after the president of the province of Maranhão had originally decided that she was not entitled to any such distinction, and had refused not only to salute her flag but prohibited her desecrating the anniversary of Brazilian independence by taking part in celebrating it, is unknown to the undersigned. It is due to your excellency, however, to say that the undersigned has called the Sumter a "pirate" because the President of the United States, in his proclamation in April last, so denominated all vessels of her character sent forth by our rebels. Since then the crews of two of them, captured on the high seas, have been tried by the Supreme Court of the United States, sitting in New York and Philadelphia. In New York, Justice Nelson, one of the ablest jurists of our country, presided at the trial, and charged the jury that the offence of the prisoners was *piracy*, and the punishment of their crime *death*. And although a new trial was to follow, in consequence of a mistake in the mode of indicting the pirates, there is no question but every one of the pirates have been convicted and condemned during the present month. In Philadelphia no such mistake in the indictment occurred. The court pronounced the act *piracy*, the jury convicted all the prisoners but one, and the judge condemned them to suffer *death*.

And yet the same class of men, engaged in the same infamous and nefarious pursuit, are harbored, fostered, succored, and furnished with coals and provisions "wherewith to continue their voyage," by an officer of the imperial government, in the harbor of Maranhão, after prohibiting their dishonoring Brazil by firing a salute on the anniversary of her national independence. The Sumter was of too questionable a character to receive a salute, or to be permitted to salute the Brazilian flag. Her master, conscious of her piratical character and corsair acts, asked *permission* to enter the port of Maranhão. The president of the province also knew her character, and when he gave the required permission to enter the harbor of Maranhão accompanied it with a caution not to presume to salute the Brazilian flag, and subsequently her captain was *prohibited* from taking part in the honors paid to the anniversary of Brazilian independence. And yet the undersigned is gravely informed by your excellency, misled as you have been by your subordinate at Maranhão, that it was the right of the Sumter to demand, and the *duty* of Brazil to accord to her, every honor, every courtesy, and every privilege which could be claimed in behalf of the United States war steamer Powhatan.

In conclusion, the undersigned begs leave to call the attention of your excellency to the following extract from a decree issued by the late King of Portugal, by which it will be perceived that, in the judgment of that friendly power, it constituted a breach of neutrality to *exclude*, under any circumstances whatever, except stress of weather, the privateers of the American rebels from all the ports and waters of the kingdom of Portugal:

"ARTICLE 1. In all the ports and waters of this kingdom, as well on the continent and in the adjacent islands as in the ultramarine provinces, Portuguese

subjects and foreigners are prohibited from fitting out vessels destined for privateering.

"ARTICLE 2. In the same ports and waters referred to in the preceding article is in like manner *prohibited the entrance of privateers* and of the prizes made by privateers or armed vessels."

The undersigned cannot doubt but that this subject will receive more minute attention at the hands of the imperial government than has heretofore been extended to it, and in the meantime is most happy to embrace this opportunity to renew to your excellency his expressions of unfeigned personal respect, accompanied with assurances of his most distinguished consideration.

J. WATSON WEBB.

His Excellency Senhor B. A. DE MAGALHÃES TAQUES,

Counsellor, Minister, and Secretary of State for Foreign Affairs.

Mr. Seward to Mr. Webb.

No. 20.]

DEPARTMENT OF STATE,

Washington, March 18, 1862.

SIR: Your despatch of December 23 (No. 6) has been received. It is accompanied by the answer of Mr. Magalhães Taques, under the date of the 9th of December last, to your complaint concerning the sheltering and supplying of the piratical vessel *Sumter* at Maranham, and your reply to that communication. These papers have been submitted to the President. The governor of Maranham allowed the pirate *Sumter* to enter that port, to receive shelter for an indefinite period, and to procure supplies by purchase of coal and provisions in unlimited quantities. This was done when the pirate, prowling in South American waters, had committed depredations upon our commerce there. She used the supplies and provisions obtained at Maranham in making a voyage across the Atlantic, in which she renewed her depredations upon our merchant vessels. The Brazilian secretary of state seems to have had full and accurate knowledge of the character and proceedings of the *Sumter*, and yet he justified the conduct of the governor of Maranham.

I shall not affect to conceal that this decision seems to me to be inconsistent with the very friendly relations which have hitherto existed between Brazil and the United States, and is therefore in a high degree unsatisfactory.

I do not deem it necessary to review in its whole length the elaborate and very able note of Mr. Magalhães Taques. A much shorter process will suffice, as I think, to show why his conclusions cannot be accepted by this government. All that is just as well as all that is erroneous in his argument rests upon the proposition that the insurgents of this country who sent the *Sumter* out on her vicious career, are a belligerent power, entitled at the hands of Brazil to rights of maritime war equal in all respects to those of the United States. This basis is disallowed by the United States, and is regarded as an assumption by Brazil injurious to those States.

A year ago Brazil was in treaty relations with the United States as one nation, undivided equally for purposes of war as for all other purposes of sovereignty, national responsibility and character.

The treaty which established that friendly relation in conformity with the law of nations remains unchanged. If, in view of the maritime law of war, the United States now constitute not one sovereign nation as heretofore, but two equal sovereign states, this great change in their political condition must have occurred within that year. Those who assume that fact can show how and by

what means it has occurred. Mr. Magalhães Taques has hardly thought it necessary to attempt this.

The change might have been established so as to modify the relations of Brazil towards the United States by some express or implied agreement between the two nations, or by some express or implied declaration of the United States made in the presence of foreign powers. No such agreement or declaration has been made. On the contrary, the United States have constantly insisted in every way on their undivided national sovereignty.

It is therefore upon her own responsibility that Brazil has decided that we are not one, but two equal belligerent powers. Had Brazil a lawful right to decide the question for herself? Doubtlessly she had. It is a sovereign right inherent in every state. But it is equally a right of every other state, especially the state most deeply affected by the question, to decide the same point for itself. We have accordingly decided that we are not two belligerent states, in view of the law of maritime war, but one nation, and from that ground we shall not be moved. It is true that we might have made this decision inconsiderately, erroneously, or unjustly. But it is equally true that Brazil might have reached her conclusion erroneously, unjustly, and even capriciously, which we do not allege. It is enough for each that it had a right to decide it, and has exercised the right.

Mr. Magalhães Taques draws into the support of his argument decisions upon the question similar to its own made by other powers. But he will at once see that inasmuch as the United States do not acquiesce in the decisions made by one state, they must equally dissent from a decision of the same effect when made by two or even many other states. It may, indeed, be said that a concurrence of several nations raises a presumption that their common decision is right and just; but, on the other hand, it may be said with equal reason that several nations may as easily as one act capriciously, and they may even unjustly conspire and combine against one nation for its overthrow. It must suffice for the present to say that, in every case where a foreign state has announced to the United States a decision that they are to be regarded as a divided nation, they have given the same answer that they now give to Brazil.

The minister of foreign relations has intimated a disposition to argue the point with the United States as a question of fact, and to show that the insurgents are, *de facto*, a belligerent power. Other states have proposed to do the same. The United States must reply to Brazil, as they have done to these other states, that it is a question which they cannot permit themselves to debate. The nation that suffers itself to debate with other states a question vital to its own existence is no longer an independent nation. The United States have hitherto maintained, and they mean to maintain, their unity and their sovereignty at whatever hazard, by all the means which Providence has placed at their disposal.

This government does not undervalue, nor will it suffer itself to magnify, the difficulties resulting from the unfriendly proceedings on the part of Brazil and other foreign nations, which I have had occasion to notice. It is not, however, necessary to explain now the way in which we expect to surmount those difficulties. It is enough to say that we are acting, as we think, with not less of prudence than of firmness. It seems manifest to us that the insurrection which those foreign nations have so unnecessarily and injuriously recognized as a lawful war is already so rapidly shrinking from its first alarming proportions as to render it as easy as it would be just for Brazil to reverse the decision which she has made.

In the meantime it is proper to remark that every maritime power which has recognized the insurgents as a belligerent, except Brazil, has, on the other hand, adopted stringent means to prevent the entrance of piratical vessels into their harbors, except in distress, and has forbidden their remaining there more

than twenty-four hours, or receiving supplies which would enable them to renew their depredations upon our commerce.

The United States do not say that such measures on the part of Brazil would be satisfactory. Nor can they consent to ask Brazil for less than the absolute exclusion of pirates from her harbors; yet such measures, if adopted, would bring Brazil upon the same ground in relation to the United States which is occupied by other maritime powers, and thus would mitigate the discontent which you are authorized to express.

You will give to the secretary of state a copy of this despatch if requested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c.

Mr. Webb to Mr. Seward.

[Extract.]

No. 8.]

LEGATION OF THE UNITED STATES,
Petropolis, January 23, 1862.

SIR: * * * * *

Your despatch No. 8, bearing date Washington, November 13, contains your instructions for my guidance in relation to the visit of the pirate Sunter to the port of Maranhão, and it affords me great satisfaction to know that in my despatch to the minister of foreign affairs, written thirteen days before the conduct of the president of Maranhão was known to you, I had anticipated your wishes, and asked of this government the explanation which I am now instructed to demand.

The copies of my despatches to the minister of foreign affairs, bearing date November 1 and December 17, will, I trust, have been regularly received by the department; and if so, you will perceive that nothing remained for me to do, upon the receipt of your instructions, but to bring home to this government, before its final response to my last despatch, the knowledge that, while acting without instructions, I had, in fact, anticipated the wishes of the government of the United States, and that you have virtually approved, in advance, of all I have done in relation to the breach of neutrality involved in the conduct of the authorities at Maranhão. To do this the more effectually, and that the whole moral force of our administration might be brought to bear upon this government, I assumed the responsibility of enclosing in my despatch an extract from your instructions. I cannot perceive any objections to my so doing, while it is obvious to me that you, thus speaking in your own language, cannot fail to have some influence upon the question; at all events, the influence of such a proceeding, if any, cannot be otherwise than beneficial.

* * * * *

I have the honor to be, very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Webb to Mr. Taques.

LEGATION OF THE UNITED STATES,

Petropolis, January 23, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, desires to remind his excellency Senhor B. A. de Magalhães Taques, counsellor to his Imperial Majesty, minister and secretary of state for foreign affairs, that in his despatches of the 1st November and the 17th of December last, relative to the hospitalities extended by the president of Maranhão to a piratical vessel called the *Sumter*, and known to that officer of the Brazilian government to have been fitted out by traitors in rebellion against the government of the United States for the avowed purpose of depredating upon American commerce, the undersigned disclaimed having any instructions from his government in relation to the occurrence of a contingency which, pending the existing friendly relations between the two countries, was not deemed possible, and could not, therefore, be foreseen or anticipated. The undersigned, consequently, in all he has written upon an event which exhibited a wanton disregard of the honor and interests of his country, has been guided solely by his own convictions of right, his understanding of international law, and his knowledge of what would be the feelings and judgment of his government upon the reception of intelligence so utterly at war with the friendly feelings of our people towards Brazil, and the expressions of friendship so frequently uttered by the Brazilian government towards the United States.

Now, however, all grounds for doubt in regard to the manner in which the government of the United States looks upon the conduct of the president of Maranhão are entirely removed, and a despatch just received from the Secretary of State of the United States, dated Washington, November 13, 1861, not only fully indorses in advance all that the undersigned has written upon this subject of the Maranhão affair, but peremptorily instructs him "to lose no time" in asking of the government of Brazil to take such measures in relation to this outrage "as will make the president of Maranhão sensible of his Majesty's displeasure, and will prevent a recurrence of such injuries to the United States hereafter."

Such request the undersigned had urgently pressed upon your excellency two weeks in advance of the date of the instructions alluded to, and since then he has labored zealously to bring to the Brazilian government a conviction of the serious character of the outrage perpetrated against the United States by the president of Maranhão, and its inevitable tendency to destroy the friendly relations heretofore existing between the United States of America and the imperial government of Brazil. In so doing, it is manifest that, however urgent the undersigned may have been in his representations upon this all-important subject, his government expected from him all and more than all that he has written, and confidently relied upon the success of his efforts. He knows how utterly unsuccessful was his first effort to induce the Brazilian government to look upon this grave complication in its true aspect; but he indulged the hope that his second despatch might prompt a reconsideration of what was evidently a hasty, and at the same time, unfortunately, a most unfriendly decision on the part of the imperial government in support of the conduct of its subordinate at Maranhão. In that hope, to which he still clings, the undersigned assumes the responsibility of enclosing to your excellency an extract from the instructions just received from Washington, believing that when the Brazilian government are thus apprised of the serious aspect in which this affair is viewed by the government of the United States, a feeling of friendship based upon past relations, as well as an *American* feeling, and the sound dictates of an American policy, to say nothing of the mutual interests of two great nations, neighbors and friends, will prompt the

government of Brazil to review their action upon a question which, whether viewed in regard to the present or the future, is one of momentous consequences to all the independent governments which have been established upon the great American continent.

The undersigned feels that in thus sending to your excellency an extract from his instructions he is assuming a responsibility of no ordinary character; but the great distance of this imperial court from the court of Washington, which requires a lapse of three months to get a reply to a communication, and the magnitude of the interests at stake, united to a well-grounded apprehension that the existing friendly relations between the two great American nations may be violently and permanently deranged, seem to the undersigned to warrant him in departing from what would be usual under such circumstances. He was instructed by his government, when sent to this imperial court, not only to preserve the existing friendly relations with Brazil, but to draw closer together in bonds of friendship the two governments, whose interest it certainly is, and whose pride it should be, by unity of action, to build up and sustain an American policy based upon American interests and the greater freedom of American constitutional institutions.

A weak and reckless subordinate of the imperial government at Maranham has permitted himself, in view of the difficulties in which the United States is temporarily involved, to put in jeopardy the relations of friendship and amity now existing between the governments of the United States and Brazil, and there is danger that hasty action by the imperial government may accomplish what has been so ruthlessly attempted.

The undersigned will not permit himself to indulge the thought that the government of his Imperial Majesty could for a moment be so wanting in magnanimity as to sanction an outrage upon the rights and sovereignty of the United States in this her hour of trouble, by reason of a great rebellion which aims at the destruction of her nationality, which would not have been countenanced before the occurrence of her intestine troubles. But he has no such sentiment of respect for the conduct of the president of Maranham. The proceeding of that official was characterized by wavering vacillation and the absence of those sentiments of self-respect which should always characterize officials. His refusal to permit the pirate Sumter to salute the Brazilian flag, or to fire a salute in honor of the independence of Brazil on the 7th of September, because of her questionable character, and yet his furnishing her with coals and provisions for the continuance of her voyage, on the pretext and afterthought that she was a "national vessel," are acts which, properly construed, place him on a par with the pirate captain, whose known vocation justified the president in forbidding his dishonoring the anniversary of Brazilian independence by firing a salute on that day from the deck of a buccaneer reeking with acts of piracy which justly rendered him a felon and an outlaw, and subject to the fate of a corsair whenever captured by an American man-of-war.

The undersigned, in obedience to the mandate of his government, and notwithstanding his previous demands for satisfaction for the outrage perpetrated by the president of Maranham towards a friendly nation, proceeds to inform the imperial government of Brazil that the government of the United States, always the friend of Brazil, considers "that the shelter and supplying of pirates, as the Sumter is, in the ports of Brazil is deemed an *unfriendly* act, and asks that such measures shall be taken in regard to the case as will make the president of Maranham sensible of his Majesty's displeasure, and will prevent a recurrence of such injuries to the United States hereafter."

The undersigned avails himself of this opportunity to reiterate his assurances

of personal respect, and to assure your excellency of his most distinguished consideration.

J. WATSON WEBB

Senhor B. A. DE MAGALHÃES TAQUES,

Counsellor, Minister, and Secretary of State for Foreign Affairs,

§c., §c., §c

Mr. Webb to Mr. Seward.

No. 9.]

LEGATION OF THE UNITED STATES,

Rio de Janeiro, February 6, 1862.

SIR : On the 25th of January I received from the minister of foreign affairs the despatch herewith enclosed, marked No. 1.

* * * * *

I have the honor to be, very respectfully, your obedient servant,

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD, §c., §c., §c.

Mr. Taques to Mr. Webb.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,

Rio de Janeiro, January 23, 1862.

The undersigned, of the council of his Majesty the Emperor, minister and secretary of state for foreign affairs, had the honor to receive the note which, under date of December 27 last, was addressed to him by General James Watson Webb, envoy extraordinary and minister plenipotentiary of the United States of America.

After the frank declaration of the friendly sentiments entertained by the imperial government towards the United States of America, and of the deep regret caused to it by the bloody strife which is prolonged therein; after the declaration of the wishes offered up by the same government for the early termination of that strife, and of the desire in no manner to aid in embittering it, the undersigned understands that he has nothing to expect on the part of Mr. Webb but continuance in characterizing as an unfriendly act (so often stated in his note) the procedure of the president of Maranhão in the affair of the Sumter; a procedure which, as explained, could not, in the opinion of the imperial government, be other under the circumstances which were brought to light.

All the persistence of Mr. Webb is founded on bases which, as it seems to the undersigned, cannot be maintained, that is to say: First, on the qualification of pirate, which Mr. Webb gives to an armed vessel, commanded by officers holding military commissions, and belonging, not to individuals, but to a government *de facto*, which unites under its control the revolted States; second, upon not admitting the acknowledgment of the character of belligerent, which Mr. Webb in his note now extends, now restricts, without attention to the manner in which all nations have considered this fact; third, on the qualification which Mr. Webb continues to make, as contraband of war, of stone coal, which with good reason Mr. Webb concedes was in the beginning furnished as marine stores.

It would be necessary to extend this note too far to follow throughout the argument of Mr. Webb, and collate it at all points with the arguments and evi-

dence which the undersigned has presented of the propriety of the principles which in this case directed the action of the imperial government. The undersigned will, as briefly as he can, present the considerations on which he is about to enter, in the hope that Mr. Webb will receive these considerations with the best feelings.

In the opinion of Mr. Webb, the rebel States have no flag, nor recognized sovereignty, nor pass beyond an aggregation, more or less numerous, of criminal individuals that cannot have anything which partakes of national character. Their vessels, according to this system, are private ships; and not having any acknowledged sovereign state which give them letters of marque, if they take prizes, they are pirates.

This is not the first time in which a portion of an empire has placed itself in rebellion against the government, or legitimate and acknowledged sovereign. The United States of America, from 1776 to 1783, and Brazil, from 1822 to 1825, put themselves in this situation. The nations of Europe, and even the very governments warred upon, recognized in our ships, fortresses, castles, garrisons and encampments, regiments, armies, generals, colonels, and other officers, those qualifications which devolved upon them from the decrees, decisions, commissions, and acts emanating from the governments *de facto* that ruled over the revolting portion of their dominions, treated with them, had communications with them, exchanged prisoners, and exercised in regard to them other acts proper to belligerents.

It is natural that a government which deems itself betrayed by rebellion should consider as one of the means of putting an end to it to treat as criminals all who are engaged in it, and to induce all friendly powers to act in the same way.

It would have been great good fortune for England in 1776, and for Portugal in 1822, if all civilized nations had seized upon American and Brazilian ships as pirates. That, however, did not take place.

The same thing now happens with the United States. It must certainly be very much to be desired by them that the civilized peoples with whom they maintain relations should treat all who belong to the States in rebellion as criminals and as pirates.

By reason, however, of the law of God and of man governments have adopted another course. No government, unless through the existence of special treaties, is held obliged to take part in the contests and wars which are going on among other people. Nations are not judges the one of the other. Neutrality is the position which suits all those which are not obliged to go beyond it.

This was the only position which Brazil could take in the strife between the southern and northern States of the American Union—a strife, the merits of which it was not for her to examine into as to which side was right, but which must grieve to see whelming in such horrors an heroic and glorious people which has given to the world such noble examples of civic virtue, a people thoroughly friendly to Brazil, as well in the revolting portion as in that which is obedient to the lawful government.

But to perfect abstention from any part in the strife, an inseparable condition was the recognition on both sides of the qualities, rights, and obligations of belligerents. In a war actual and notorious, a war waged with armies more numerous than the United States opposed to Great Britain, a war waged with vessels in greater or less number, but never with such superior force on one side as there existed in that other war.

The recognition of the rights and obligations of belligerents in the revolted States does not include the obligation to salute or accept courtesies from their flag, but is limited to acknowledging them as at war. The belligerent has the right to invoke in his favor the application of the laws of war, and, therefore,

that his generals, admirals, fortresses, forts, ships-of-war, privateers, &c., &c., should be recognized as such in all acts which have relation to war.

Now, for how long a time may a government or sovereigns of revolted subjects refuse to admit the recognition of this qualification so as to hold them as criminals? Humanity and reason oblige them to this recognition if the strife is prolonged.

When the undersigned spoke of the decisions of American courts which acknowledged in the southern States the qualities of belligerents, he referred to the two cases in which the two English vessels, the "Tropic Wind," was condemned for violation of the blockade by the federal court at Washington, and the "Hiawatha," condemned by the court at New York upon the same ground. In both, the sentences, as published in the journals, lay down as one of the grounds of condemnation plainly declared, that an actual war between the United States and the States which call themselves confederate, *constitutes a situation in everything analogous to a foreign war*; that blockade is a belligerent right which may be exercised in a state of war; that this war, in its progress, must be governed only by the laws of war, and its evils be mitigated by the principles of humanity introduced into the codes of war through the civilization of modern times.

If these doctrines of judicial authority are still not an acknowledgment of the quality of belligerent which can apply to the revolted States, it seems evident to the undersigned that the necessity for such acknowledgment is becoming manifest from the very examples cited by Mr. Webb of the condemnation of southern privateersmen as pirates, for it is known that the authorities of the rebel States have declared that for so many privateersmen that shall be executed, as many of the officers of the United States who are held by them as prisoners shall be put to death in reprisal.

It is to avoid horrors of this character, and such shedding of innocent blood, that humane governments have agreed to treat their own rebellious subjects as belligerents as soon as the struggle assumes certain proportions.

What the United States ought or may hold convenient to do in this case does not pertain to the undersigned to determine. That which may still be hoped for is, that Mr. Webb may become convinced that the Brazilian government cannot forego the acknowledgment of the quality of belligerents, and of adherence to the principles of impartial neutrality.

This may be exercised in two ways, either by refusing everything to both belligerents, or undertaking to grant all to both belligerents, or taking the care to grant to one all which it may grant to the other. The imperial government has ordered the presidents of the provinces—

1. That they shall not permit that any vessel bearing the flag of either belligerent, equipped for war or intended for it, shall be provisioned, equipped, or armed in the ports of the empire. This prohibition does not extend to the furnishing of victualling and marine stores indispensable to the continuance of the voyage.

2. That they shall not admit privateers of either of the belligerents, except in case of asylum or of stress.

3. That they shall admit the vessels-of-war of both belligerents, unless they shall be prizes, and always with exception of cases of stress.

4. That they shall not furnish any aids for war, of any kind, to either of the contending parties, reconciling the duties of hospitality with those which under such circumstances humanity imposes.

5. That to the vessels-of-war of the government of the United States shall be freely extended all the favors and attentions which depend upon the government and the national authorities, except the furnishing of articles and munitions of war.

6. That the neutrality of the territory of the empire be maintained, it shall not be allowed that its ports shall serve as a basis for warlike operations, or that in

them or in our territorial seas unlawful prizes be made, or any acts of hostility be committed.

7. That they shall not obstruct commerce with either belligerent, unless it have for object articles declared to be contraband of war.

8. That in foreign ships, the exportation of articles and munitions of war destined for ports subject to the federal government shall not be hindered.

The list of such articles the imperial government does not extend beyond what, by agreement with the United States, is fixed by article 16 of the treaty of 1828, and which the United States has introduced in all the treaties cited in the former note of the undersigned. This list does not include either sail-cloth, fire-wood, or coal, nor any other marine supplies. But in the prohibition imposed on its subjects in trading with the belligerents, the Brazilian government accepts as the soundest principles those which have been so clearly and with a master's spirit expressed by the eminent American juriconsult, Kent, in the passages cited in my preceding note.

These principles are the same which Heffter avers to have been adopted during the last war by the allied powers; and although the undersigned does not desire to enter into all the details of Mr. Webb's note, he will observe, in passing, that Heffter does not say that those powers would insert or consider coal to be in the list of contraband of war. Heffter says, "they (the allied powers) have not comprized under the name of contraband of war any but arms, munitions, and articles intended solely for the uses of war, maintaining in this matter the provisions of the existing treaty." Mr. Webb sees that Heffter holds it declared that coal serves other and pacific uses, and is not intended only for the purposes of war; and it is plain that coal is comprehended among the merchandise that all Europe as well as the United States have for so long, contrary to the British pretensions, held as not to be considered contraband of war.

Moreover, the undersigned has caused examination to be made of all the documents relative to this subject put forth by the British government in 1854, and it turned out that they reduce themselves to orders in council officially published under the dates of February 18 and April 24, neither of which mentions coal or marine supplies as contraband of war.

Having thus clearly satisfied the desire Mr. Webb manifests to have the principles adopted by the Brazilian government plainly developed, it may be permitted to say that the resolutions were taken by this government on the assumption that they should in no respect vary from those taken by the government of Portugal, which seemed entirely satisfactory to Mr. Webb, who called the attention of the undersigned to them, while they were still unnoticed by any other government.

The foundation of the protest of Commodore Porter being to confound coal with contraband of war, and a ship of the government with a privateer, and the privateer of a belligerent whose flag is not recognized as a pirate, and the undersigned has declared and sustained, with reasons and with proofs, the impossibility of admitting such theory; the same declarations, documents, and proofs apply against the protest of the aforesaid commodore.

The undersigned does not know what were the inquiries made by Mr. Webb, and enumerated in his note to which he may have omitted to make response; and if any appears not to have been answered in the preceding note with entire clearness, he thinks that now an explicit reply will be found in the preceding series of propositions.

At times Mr. Webb dwells on the injury which he supposes to be done to the United States in supplying the rebels, and at the same moment he many times repeats that the rebel flag was not saluted, that its salute was not accepted either on the arrival of the Sumter, or on the 7th of September, —. The one assertion destroys the other.

It is again to be repeated that the Sumter, it being shown, by the exhibition

of her papers to the president of Maranhão, that she was the property of States styling themselves confederates, and not of individuals; that she was under the command of officers holding military commissions; that she had, in the character of her armament, habits, and discipline, that, to appearance at least, of ships-of-war, the president of Maranhão ought to have treated her as he treated her; that is to say, not as a ship of a recognized nation, but as one of a people ruled by a government *de facto* with which Brazil was at peace.

If it had been afterwards shown that the commander of the Sumter had deceived the Brazilian authorities, and that she was in reality a pirate, or at least a privateer, the undersigned would have to regret an error, but not to rebuke those authorities for an intentional violation of the law of nations, or an act of deliberate hostility against a friendly government—against the commerce, in fine, of any nation. This, however, is not the case; the governors of the Netherlands and of the British colonies, which also attributed to the Sumter the same character of ships-of-war, still persist in understanding that she was so; and not a single fact has been alleged to the contrary, except an unsustained pretence that she is of private character as to property, inasmuch as she belongs to a government which is not acknowledged as sovereign.

As Mr. Webb knows there are governments which do not admit to their ports vessels-of-war of either belligerent, although they may be of acknowledged nations, the hesitation of the Sumter and her precaution in asking leave before entering proves either the ignorance in which her commander was of the principles adopted by Brazil in this war, or an excess of caution which becomes one placed in his position, and in no manner proves the acknowledgment of the character of pirate which Mr. Webb seeks to deduce from it.

In a country in which political parties exist, and political hatreds exist on a par with the liberty of the press and the dissensions of the deliberative bodies, it will not do to take the debates of parties as evidences of the errors of the authorities. Here, as in the United States, those debates reveal individual opinions more or less deliberate, and nothing more.

Whether the rebellion of the States which denominate themselves confederate be the act of some rash leaders; whether it be the effect of the reflected will of the people; whatever may be the result of this struggle, Brazil considers it a misfortune; because she is convinced that for her own policy and safety, what best suits her would be, that the greatest power of America, with which she had always maintained friendly relations, should ever be rich, prosperous, and powerful; had it depended on the will of Brazil such an unhappy strife never would have appeared, or, upon its appearance, would have been promptly ended. The government of Brazil has always endeavored to fulfil towards the United States the duties of friendship and justice, and will persevere in the endeavor to watch over the present and future of the commerce of her subjects, who, Mr. Webb well knows, are advantaged by the national prosperity; and it is not her will to alter the rules and principles of right which constitute laws, because they regulate the relations of nations with each other, and form a guarantee common to every people in the vicissitudes to which they may be exposed.

Asking General Webb to present these considerations to his government, the undersigned renews to him the assurances of his high consideration.

B. A. DE MAGAËS TAQUES.

Mr. JAMES WATSON WEBB, &c., &c., &c.

Mr. Seward to Mr. Webb.

No. 21.]

DEPARTMENT OF STATE,
Washington, April 3, 1862.

Your two despatches, namely, No. 8, of January 23, and No. 9, of February 6, have been received, together with the voluminous and interesting documents appended to them.

I have already, in my despatch of the 18th ultimo, No. 20, given you the views of the President concerning the conduct of the governor of Maranhão, after a deliberate consideration of the argument of Mr. Magalhães Taques in his behalf. It remains only for me to add that the information conveyed by your despatches now before me, including the notes addressed to you upon the same subject, has been submitted to the President, but without producing any modifications of his views of the transaction in question.

Mr. Lisboa has had repeated interviews with me, and has expressed an earnest desire to induce a reconsideration of the position which this government has assumed. We have declined to make any such concession. Although he has not formally expressed a wish that the discussion of the differences between the imperial government and our own might be withdrawn from Rio and continued here, yet I discerned the existence of such a wish on his part, and quite distinctly intimated that I could not consent to that measure.

Our reasons for this course are, first, that we find no cause to be dissatisfied with your own conduct of the discussion; and secondly, that we see no advantage likely to result from any further discussion of it either here or in Brazil. We have not yet recognized our insurgent fellow-citizens either as a sovereign power or as a public belligerent. We are, if possible, less likely to recognize them now than ever heretofore. In these circumstances we cannot admit, and we are not likely to admit, that anything has occurred to relieve Brazil, or any other power holding treaty relations with us, from fulfilling the obligations of friendship towards us which it has heretofore voluntarily assumed, much less can we admit that any such nation has a right, by adopting a character of neutrality, to give hospitality, shelter, and supplies to pirates engaged in destroying our commerce, whether they affect to be public vessels-of-war, or are content to sail under cover of pretended letters of marque, granted by the chief of their treasonable faction.

At the same time we are not looking out for causes of conflict with maritime powers. We state our complaints whenever grievances are committed by them, and we ask the redress due to us from friendly states. Unwilling to drag such powers into our own domestic strife, we are content with a practical respect for our flag, and we engage in no discussions with them about the unjust or unfriendly manifestations with which that practical respect is sometimes attended. Acting on this principle, we have brought to the notice of the Brazilian government the grievance committed against us by the governor of Maranhão. That government, instead of giving us redress, or taking any measures to prevent a repetition of the grievance, has avowed and sanctioned it.

In the position thus assumed, the Brazilian government stands single and alone. We cannot, with self-respect, further remonstrate nor debate. I confess that the attitude assumed by Brazil embarrasses us, because it tends to encourage our internal enemies. We trust, however, that we possess the ability to maintain and preserve our government against all enemies at home, however much aid and encouragement they may receive from abroad.

It is not needful that you state to the Brazilian government any part of the contents of this despatch except its conclusions, which are these: 1st. We stand upon the position heretofore assumed, that the proceedings of the governor of Maranhão are intolerable. 2d. We cannot further debate at Rio, nor can we

change the field of the discussion from that capital to Washington. 3d. Conscious of our ability to protect all our national rights, we neither importune nor menace any foreign state which may deem it fit to do us wrong. But so fast as every such case matures we determine, with what prudence and firmness we can, the course which the emergency requires.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES WATSON WEBB, Esq., &c., &c., &c.

Mr. Webb to Mr. Seward.

No. 10.]

LEGATION OF THE UNITED STATES,
Petropolis, February 15, 1862.

SIR: Your despatch No. 15, dated Washington, December 31, 1861, has been duly received.

Since my last despatch, No. 9, I have received no communication from the minister of foreign affairs; and my despatch of the 22d January having remained unanswered, I addressed to Senhor Taques, on the 13th instant, the despatch of which you will find a copy enclosed, marked No. 1.

* * * * *

J. WATSON WEBB.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Webb to Mr. Taques.

LEGATION OF THE UNITED STATES,
Petropolis, February 13, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, has the honor to acknowledge the receipt from his excellency Senhor B. A. de Magalhães Taques, counsellor, minister of state, and secretary of foreign affairs, of his despatch, dated January 23, in relation to the visit of the Sumter to the port of Maranhão, and which is in reply to a note from the undersigned dated the 27th December. In the meantime the undersigned did himself the honor to address your excellency another note dated the 22d of January, in obedience to instructions from his government, an extract from which was enclosed. That note, it appears, reached your excellency before forwarding the despatch of the 23d, but not in time to do more than acknowledge its receipt. The undersigned, therefore, has arrived at the conclusion that it would be ill-timed, and perhaps unwise in him to make any reply to your excellency's note of the 23d of January until in possession of the reply to the undersigned's note of the 22d, which was based upon the instructions of his government; and he contents himself, therefore, with simply notifying your excellency of the receipt of your excellency's despatch of the 23d, and that he does not intend to reply to it until he receives your excellency's response to his note of the 22d, which, when received, will be very briefly responded to, and the whole subject be referred to the government at Washington.

The undersigned is happy in the opportunity again presented of renewing to your excellency the expression of his sincere personal esteem and most distinguished consideration.

J. WATSON WEBB.

HIS EXCELLENCY SENHOR B. A. DE MAGALHÃES TAQUES,
Counsellor, Minister of State, and Secretary of Foreign Affairs.

Mr. Webb to Mr. Seward.

No. 11.]

LEGATION OF THE UNITED STATES,
Petropolis, February 22, 1862.

SIR: On Thursday, the 20th, I received from the minister of foreign affairs the despatch herewith forwarded, and marked No. 1; and I yesterday replied in the brief despatch, a copy of which I enclose, marked No. 2.

We cannot go to war with all the world; and while circumstances compel us to acquiesce in the conduct of England, Spain, and Holland, we cannot insist upon reparation from Brazil for having adopted the same line of policy towards us.

J. WATSON WEBB.

Hon. WILLIAM H. SEWARD,
Secretary of State of the United States.

Mr. Taques to Mr. Webb.

[Translation.]

DEPARTMENT OF FOREIGN AFFAIRS,
Rio de Janeiro, February 19, 1862.

The undersigned, member of the council of his Imperial Majesty, minister and secretary of state for foreign affairs, received the note which, under date of the 22d of last month, was addressed to him by General J. W. Webb, envoy extraordinary and minister plenipotentiary of the United States of America.

Referring to his precedent notes dated 1st November and 27th December of the past year, General Webb calls to mind the declaration he made to the undersigned, that he wanted instructions from his government upon the case which formed the subject of his reclamations, and that thus he was guided by his own opinions in the discussion relative to the manner in which the steamer Sumter was treated at Maranhão, and the manner in which the imperial government considered that question. This lack of instructions from the cabinet of Washington, Mr. Webb has the kindness to inform me by his last note, is at an end by the receipt of a despatch from the Secretary of State of the United States, dated the 13th November of last year, of which Mr. Webb was pleased to advise me by transmitting an extract.

At the time when I received the note of the 22d of January, in which Mr. Webb insists upon the considerations on which his note of the 27th December was based, the undersigned referred Mr. Webb to his reply of the 23d January to that last note.

To the frankness of the Secretary of State, Mr. Seward, the undersigned was indebted for a knowledge of the despatch of the 13th November addressed to Mr. Webb. Mr. Seward, on receiving advice of what was passing at Maranhão, sought a conference with the Brazilian minister, and communicated to him a copy of the reports he had received, and of the despatch he would send to Mr. Webb respecting the Sumter. But neither the Brazilian minister nor the Secretary of State had other data on which to form their judgment except what was stated by the consul of the United States at Maranhão, Commodore Porter, and the correspondents of the American newspapers, among whom were some who carried their warmth to the point of asserting that the commodore entered the port of Maranhão prepared to capture or burn the Sumter if he should find her there, although she should be lying under the batteries of the Brazilian forts.

In this lack of calm and unprejudiced reports the Secretary of State could not form so sure a judgment as at this day he must be able to make on this business.

Upon the questions relative to the recognition in favor of the rebels, of the rights of belligerents, upon the character of ship-of-war given to the *Sumter*, upon the classification of coal as an article of lawful commerce and not as contraband of war, and the extent of hospitality which neutrals owe to such vessels, those were sufficiently discussed and explained in the two notes in which the undersigned answered those of Mr. Webb of 1st November and 27th December of last year.

In consequence of the chances of war and the march of events, all these questions were reproduced in regard to the same steamer *Sumter*, and another, under identical circumstances, the *Nashville*, with Holland, France, Spain, and Great Britain.

The correspondence interchanged by the ministers of England with those of the Netherlands and of the United States upon these questions is to be found in the collection of documents laid before the American Congress by the federal government.

The doctrines maintained by the governments of England and of the Netherlands conform exactly to those which the undersigned has maintained, rest on the like arguments, on the like official data, on the like traditions, on the like facts. The undersigned holds as incontestible the citations made by him from the documents or conventions which bind the United States to uphold the doctrine which in the midst of her present preoccupations she would seem to forget.

The government of the United States has not regarded as a breach of friendship or of neutrality the mode in which, in the ports of the states above mentioned, the *Nashville* and the *Sumter* were treated. The undersigned cannot persuade himself that the government of the United States, to which that of Brazil is bound by so many ties, as well of feeling as of ancient and loyal friendship, as by interests and relations of importance which Mr. Webb so properly sets forth in his notes, can act with less justice towards Brazil.

After his note of the 23d January, in which the undersigned frankly stated what instructions the imperial government had given to the presidents of the sea-coast provinces about the procedure to be observed during the war existing in the United States in regard to the two contending parties, the undersigned believed he had satisfied Mr. Webb and his government to the extent they could desire or expect from the government of Brazil.

In those instructions the distinctions are very clearly indicated which the imperial government takes between the United States and those that style themselves confederate; by them privateers bringing in prizes or not are excluded, saving the case of stress, from the ports of the empire.

This was, as it seemed to the undersigned, the principal point which Mr. Webb desired to attain, as much from what he states in his note of the 27th December, as by what he set out in one of his first conferences with the undersigned.

The undersigned entertains the hope that the course of the imperial government will be duly appreciated by the United States as the most becoming for the reconciliation of its duties as a neutral with the sentiments of friendship which Brazil professes for those States.

The undersigned is not unaware that opinions dictated by the noblest of passions, such as patriotism, which entirely preoccupies itself with the ill-fortunes of the state, may be honorable to him who shows himself possessed of them; but it does not therefore follow that such opinions bear the same stamp of truth and justice which may distinguish the opinions of those who, in an impartial and dispassionate position, ponder in the silence of the cabinet on the same subject.

The undersigned entertains, moreover, the flattering confidence that in truth the principles invoked by him, and which are maintained by so many competent and impartial individuals, both statesmen and publicists, may rest unshaken, and will in the end be recognized by the enlightened government of the United States, to which he hopes Mr. Webb will deign to refer this subject.

Upon the whole, the undersigned cannot conclude this reply without expressing to Mr. Webb how much the imperial government feels the vehement and unjust manner in which the ex-president of Maranhão is treated. After the explanations by which the undersigned showed that on the part of the then president of that province there was not, in the case of the Sumter, the slightest intention to offend the government of the United States, or the least purpose of aiding the opponents of the government of those States, but solely a sincere desire to proceed in accordance with the principles of neutrality which the imperial government proposed to observe, according to the rules which regulate in such circumstances the relations of nations between themselves, the undersigned is pained at the manner in which Mr. Webb refers to that distinguished functionary of the empire; and the more so, because such treatment does not harmonize with the kind and friendly feelings in the manifestation of which, toward the government of Brazil, Mr. Webb so abounds; and it is to those feelings, as well as to the spirit of justice in Mr. Webb, that the undersigned addresses himself on this occasion.

The undersigned renews to General J. W. Webb the assurances of his highest consideration.

B. A. DE MAG'ÆS TAQUES.

General J. W. WEBB,

*Envoy Extraordinary and Minister Plenipotentiary
of the United States of America.*

Mr. Webb to Mr. Taques.

LEGATION OF THE UNITED STATES,
Petropolis, February 21, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary from the United States, acknowledges the receipt of the despatch which his excellency Senhor B. A. de Magalhães Taques, minister and secretary of state for foreign affairs, did him the honor to address him on the 19th instant, in relation to the visit of the pirate or privateer Sumter to the port of Maranhão, and of her treatment by the president of that province.

In the despatch of the undersigned dated the 13th instant he suggested to your excellency that on the receipt of your excellency's response to his despatch of the 22d January he should refer the whole subject to the government at Washington, and he is pleased to learn from that response that such a disposition of the matter will be acceptable to your excellency.

The undersigned is pained to learn that any language he may have used in reference to the conduct and motives of the late president of Maranhão should have wounded the sensibilities of your excellency and the imperial government of Brazil. He does not for a moment doubt that both your excellency and the government of which you are so distinguished a portion have entire confidence in the purity of that gentleman's motives in treating the captain of the Sumter in the manner he did, nor does he believe for a moment that your excellency has any doubt of that officer's friendly feelings towards the United States. He therefore frankly expresses his regret that he should have written anything in connexion with the late official at Maranhão which has, however uninten-

tionally, wounded the sensibilities of the imperial government, or raised a doubt in any quarter in regard to the undersigned's feelings of friendship to Brazil. In judging, however, of the motives of men, every individual must be guided by his own judgment upon the facts on which opinion is to be based. The undersigned is quite certain that your excellency and the Brazilian government have determined wisely, according to the facts in your possession, in estimating the motives and conduct of the late president of Maranhão in his treatment of the Sumter and Powhatan and their respective commanders while in that port. It is due, however, to the cause of truth and frankness to say that, in all human probability, the undersigned is better informed in relation to the sentiments of the ex-president towards the United States than it is possible for any government to be in regard to the private opinions of a subordinate, when, as in the present instance, I am proud to believe, those opinions are at variance with the sentiments of his government.

The undersigned gives full faith to every expression of your excellency conveying, either in your own behalf or in behalf of your government, friendly feelings towards the government of the United States, and he claims that he is entitled to have similar faith and confidence placed in his declarations of respect for your excellency, and the most friendly feelings towards the government of Brazil, even when he cannot, with a just appreciation of a gentlemanly frankness and sincerity, acquiesce in your excellency's estimate of the motives which actuated the ex-president of Maranhão in his conduct towards the Sumter and Powhatan and their respective commanders. That gentleman has ceased to be the representative of the imperial government in the province of Maranhão, and his conduct and opinions, evinced either by acts or in conversation, are no longer of any importance to the undersigned or his government; but it would be strange, indeed, if your excellency and the government of Brazil should doubt the sincerity of the undersigned's assurances of esteem and good-will because, upon what he deems good authority and well authenticated facts, he doubts the friendly feelings of your late official towards the government of the United States, and presumes to question his motives in the proceedings in connexion with the Sumter which have led to this correspondence.

The undersigned again, and in all sincerity, renews to your excellency the expression of his personal esteem and most distinguished consideration.

J. WATSON WEBB.

His Excellency Senhor B. A. DE MAGALHÃES TAQUES,

Counsellor, Minister of State, and Secretary of Foreign Affairs.

NETHERLANDS.

Mr. Pike to Mr. Seward.

[Extract.]

No. 26.]

UNITED STATES LEGATION,
The Hague, November 13, 1861.

SIR: I duly received your despatch, No. 26, of the 17th ultimo, containing your reply to the communication of Baron Van Zuylen of the 17th of September. I have embodied the substance of it in a note which I have communicated to the minister of foreign affairs.

* * * * *

I have the honor to be, with great respect, your most obedient servant,
JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Pike to Mr. Seward.

[Extract.]

No. 30.]

UNITED STATES LEGATION,
The Hague, December 11, 1861.

SIR: I have had the honor to receive your despatches Nos. 30, 31, and 32.

I have communicated the substance of that of November 11, No. 31, referring to the order of this government in regard to the piratical vessels of the seceding States, to Monsieur Strens, minister of foreign affairs *ad interim*.

I am much gratified to learn that my views and proceedings in this perplexing case have received your approbation.

* * * * *

I have the honor to be, &c.,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Pike.

No. 34.]

DEPARTMENT OF STATE,
Washington, December 4, 1861.

SIR: I learn by communications from Mr. Morse, consul of the United States at Curaçoa, that on the eighth day of November last the United States steamer Iroquois, a ship-of-war, arrived off the port of Curaçoa, and signalled to the shore

for a pilot; that the harbormaster, Mr. Garsta, thereupon repaired on board the steamer, bearing a letter from the governor of the island, which letter, besides matters too disrespectful to the United States to be recited in this communication, informed the commander of the steamer that her stay in the port must be limited to forty-eight hours, and that she would be allowed to take in coal sufficient only for twenty-four hours' consumption.

I am further informed in the same manner that although the United States had at the time more than thirteen hundred tons of coal at Curaçoa, Lieutenant Palmer, commander of the steamer, promptly declined to enter the port upon the terms thus prescribed to him by the governor.

You will seek an early opportunity to bring this subject to the notice of his Majesty's government, and inquire whether the proceedings of the governor at Curaçoa is approved by it. You will be at liberty to add that this government entirely approves of the decision of the commander of the Iroquois, declining to enter the port under the circumstances thus understood here.

If his Majesty's government shall approve of the proceedings of the governor of Curaçoa, it will become an important question what measure of hospitalities will be due by us to the naval vessels and authorities of the Netherlands in similar cases.

I send you an extract of the consul's despatch, setting forth the circumstances at large.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Seward to Mr. Pike.

[Extract.]

No. 35.]

DEPARTMENT OF STATE,

Washington, December 6, 1861.

SIR: * * * * *

We are not yet entirely informed of the disposition which has been made of the subject discussed by me in the previous papers, relating to the hospitality shown to privateers in the ports of the Netherlands. You will, however, not need to be urged to secure prompt attention to the subject committed to your charge.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

No. 31.]

UNITED STATES LEGATION,

The Hague, December 25, 1861.

SIR: I have the honor to enclose you the latest communication I have received from this government on the Sumter case, dated the 14th of the present month.

Your despatch of November 23, No. 33, came duly to hand, and I have communicated its contents to the minister of foreign affairs. I have now your

despatch, No. 34, of the 4th of December, in respect to the treatment of the United States steamer Iroquois at Curaçoa, which shall receive my attention.

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Strens to Mr. Pike.

THE HAGUE, *December 14, 1861.*

SIR: The communication which you addressed to my predecessor, under date of 8th November last, having been examined with all the attention which its contents merit, I have the honor to inform you that the King's government expresses itself in the despatches of 17th September and 29th October last with entire frankness on the line of conduct, and on the principles which had guided it in the affair of the Sumter. We owed it to the ties of friendship which unite the two governments, and which that of the Netherlands will desire always to cement.

We thought we could flatter ourselves that our explanations would be of a nature to satisfy the cabinet of Washington, but we have been, unfortunately, mistaken in our attempt. Far from entering upon a serious discussion of the arguments contained in the despatches above mentioned, there has not, as it seems, been given to the question the attention which its importance deserves, as also do the sentiments which have ever presided over the relations between the two governments. Those arguments have therefore lost none of their weight in the views of the cabinet of the Hague, and it continues to refer to them.

I allow myself to remark, sir, that it is not possible to rest content with the assertion, pure and simple, which you repeat in your last reply, that the Sumter is a privateer—nay, even a pirate. That question is what governs the whole matter, and has need to be examined in all its aspects, in order finally to receive a solution which may put an end to future difficulties.

But the cabinet of Washington, not having considered that it ought to have adduced evidence in support of its opinion relative to the Sumter, and the character of that vessel being therefore necessarily to be determined, not according to the special laws of one country or another, but according to the general principles of the law of nations, the royal government can only maintain those which it has set forth in explanation of its manner of acting in this circumstance.

The United States regard those of the south as rebels; they deny to them all rights of sovereignty, and, by consequence, the power to make *regular* war. It is not my purpose, in this place, to discuss at length this pretension, which has already been treated of in the answer of my predecessor, under date of 17th September last, and it would be very easy to prove that there is a very wide difference between the rupture of the federal compact by the southern States and that which ordinarily is called a rebellion; and that, moreover, if such an insurrection against lawful authority existed at the beginning, the struggle has long since assumed quite different proportions, and has put on the character of civil war, in which it is of the very essence of neutrality to accord to the two parties the rights of belligerents. This is what, I flatter myself, has been sufficiently proven by the government of the Netherlands.

The United States have always carried out the same principles; the policy the American government, in respect to Europe, has always held as a prin-

ciple, as is affirmed in the message of President Monroe to Congress, the 2d December, 1823, never to interfere in the affairs of the European powers, and, he adds "to consider the government *de facto* as the legitimate government for us."—(Am. State Papers.)

In the report of the Committee on Foreign Affairs of the House of Representatives at Washington, the 19th March, 1822, we read: "Who is the rightful sovereign of a country, is not an inquiry permitted to foreign nations, to whom it is competent only to treat with the powers that be. There is no difference of opinion on this point among the writers on public law," &c. Further on we read the following words: "The peace of the world and the independence of every member of the great political family require that each should be the exclusive judge of its own internal proceedings, and that the *fact* alone should be regarded by foreign nations. Even when *civil war* breaks the bonds of society and of government, or at least suspends their force and effect, it gives birth, in the nation, to two independent parties, who regard each other as enemies, and acknowledge no common judge. *It is of necessity*, therefore, that those two parties should be considered by foreign states as two distinct and independent nations."

By multiplying quotations we should only corroborate by new proofs those which have already been furnished, to the effect of proving that nations which desire to remain peaceful lookers-on of the war must accept the facts without discussing them, and recognize the equal rights of the two parties. It is out of this duty that is derived that rule of international law that all regular wars must be considered just on the part of the two belligerents.

History offers a great number of examples of the application of this principle, of which some have been called to notice in the reply of the government of the Netherlands of the 17th of September last.

England and France have recognized in those whom the government of Washington consider as rebels the right to make war, and that of being treated by all as regular belligerents. Those powers could not do otherwise, if they would not treat as pirates several millions of men.

In the presence of this impossibility the United States themselves have recoiled, and the nature of circumstances have obliged them to adopt, at least in practice, the principles held up to this time.

Far from us be the slightest inclination to discuss much less to disapprove this policy; but shall we not be allowed to remark that, when treating of the application of the principle in its vigor, and of carrying into execution the laws against rebels, we have not been willing to assume the terrible responsibility of the consequences which, without any doubt, would be hurried on by putting into execution the minatory measures against the citizens of the south announced by the President of the republic? We should fear, in fact not without reason, that if such measures were carried out the secessionist States would execute terrible reprisals.

This measure has been employed more than once in the course of modern times, and here behold, besides reasons of equity, the cause which induces belligerents to treat their enemies, even revolted subjects, conformably with the usages of warfare, and to recognize the legitimacy of their reciprocal armaments. We cannot, therefore, *prima facie*, look upon all vessels armed for war by the States of the south as privateers, much less as pirates. This also has been implicitly acknowledged in the capitulation of Fort Hatteras on the 29th of August last; the articles are signed, among others, by S. Barron, calling himself "flag-officer Confederate States navy." It will, without doubt, be useless, sir, to prolong a painful discussion, which has already been too long perhaps.

The royal government has done all in its power to reconcile the rights and duties of neutrality with the sentiments of friendship, which unite it with that of the United States. If you will devote a kindly-disposed attention to the

different communications interchanged, you will see that all the measures taken here, the instructions given to the colonial authorities, manifest the sincere desire of the cabinet of the Hague to maintain intact the intimate relations which have existed, and I hope will continue ever to exist between the two countries.

The line of conduct followed here is found traced out in the work, which has already been cited several times in preceding letters, by a diplomatic publicist of the United States, Mr. Wheaton, who writes what follows:

“Until the revolution be consummated, that is to say, while civil war continues, other states may either remain indifferent spectators of the strife, at the same time continuing to regard the old government as sovereign and the government *de facto* as having the right to make war upon its adversaries as they may take up the cause of one or the other belligerent party as they may find themselves supported by justice or not.”

It is upon the first of these alternatives that the royal government has determined. It holds that it ought to persist in this policy, which is indicated to it by its duties and by care for its own dignity. It will therefore continue to receive in its ports the vessels-of-war of the two parties which at present divide the United States, without at any time allowing, as assurance has already been given at the close of the communication of 17th September last, that the Sumter, or any other vessel of either belligerent party, may make of any port belonging to his Majesty the base of its operations against the commerce of the enemy of such party.

I flatter myself, sir, that the reasons which have guided the cabinet of the Hague in the question which engages us will be judged with impartiality and good will by the government of the republic, whose existence was recognized by that of the united provinces, and with which the latter contracted the most intimate alliance when the independence of the theretofore English colonies was still to be conquered—an alliance which from that time has not ceased to bear the best fruits for the interests of the two states.

Please to accept, sir, the renewed assurances of my high consideration.

STRENS.

Mr. PIKE, *Minister Resident of the United States of America.*

Mr. Pike to Mr. Seward.

[Extract]

No. 32.]

THE UNITED STATES LEGATION,
The Hague, January 1, 1862.

SIR : * * * * *

I have the honor to enclose you the reply of this government to my representations in the case of the Iroquois, by which you will perceive (as you will have learned from the communication I forwarded to you with my despatch last week) that all restrictions upon our ships-of-war in the Dutch West Indies have been removed, the policy of exclusion having been abandoned by this government—it now occupying the position taken by England in the Trinidad case, an example which, I informed you in the early stages of the recent discussion, I feared would be followed.

* * * * *

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Strens to Mr. Pike.

[Translation.]

THE HAGUE, *December 30, 1861.*

SIR: In reply to your letter of the 26th of this month, I have the honor to bring to your knowledge that already, on the 29th of November last, before the arrival of the vessel the Iroquois at Curaçoa was even known here, the instructions previously given to the governor of that island, as well as to the governor of Surinam, were modified to the effect that American vessels-of-war could remain in our ports without limitation as to time, and there load with coal without limitation as to quantity.

This modification of the first instructions has taken place in accordance with suggestions from the governor of Curaçoa, who was of opinion that it would be useful to the United States.

I have, therefore, every reason to believe that it will be agreeable to your government, with which, you are aware, sir, we wish to continue the friendly relations which have always existed.

Accept, sir, the renewed assurances of my high consideration.

STRENS.

MR. PIKE, *Minister Resident of the United States of America.*

Mr. Seward to Mr. Pike.

No. 40.]

DEPARTMENT OF STATE,

Washington, January 13, 1862.

SIR: Your despatch of the 25th of December, No. 31, has been received. It is accompanied by a note addressed to you by Mr. Strens, the minister for foreign affairs, relating to the transactions at Curaçoa on the visit of the Sumter at that port.

I shall defer an examination of this paper until we shall obtain a clearer view of the attitude of some other European states upon questions of a nature kindred to that which we have occasion to discuss with the government of the Netherlands.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

Mr. Pike to Mr. Seward.

[Extract]

No. 36.]

UNITED STATES LEGATION,

The Hague, February 5, 1862.

SIR: I have had the honor to receive your two despatches of the 9th and 13th of January, Nos. 39 and 40.

You will have observed that the recent action of the British government conforms, substantially, to that of Baron Van Zuylen on the question of harboring and supplying the vessels preying upon United States commerce.

Mr. Strens, the minister of foreign affairs *ad interim*, who discontinued that

policy of restriction of which action I have already had the honor to inform you, has now been supplanted by Mr. Stratenus.

This gentleman, late minister at the court of Hanover, takes the post of minister of foreign affairs (also *ad interim*) in the new cabinet, which has at length been formed under the lead of Mr. Thorbecke, the leader of the so-called liberal party to whom I referred in my last.

I await your directions in regard to asking for a resumption of the policy of Mr. Van Zuyler on the subject in question before bringing it to the attention of the new ministry.

* * * * *

I have the honor to be, with great respect, your most obedient servant,

JAMES S. PIKE.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Pike.

[Extract.]

No. 44.]

DEPARTMENT OF STATE,
Washington, February 27, 1862.

SIR: Your despatch of February 5 (No. 36) has been received.

You will lose no time in calling the attention of Mr. Stratenus to the subject of the intrusion of insurgent piratical American vessels seeking shelter in the ports of the Netherlands and their colonies. If you cannot obtain a decree excluding them altogether, it is thought that the government will have no hesitation in restoring the restrictive policy which was adopted by it under the representations of its foreign affairs by Baron Von Zuyler.

I trust, however, that the government will go further and reconsider the whole subject. The insurgents have never, since they attempted a revolution, been able to command ingress and egress at any port in the United States. Practically all the seaports occupied by them are effectually invested by the naval forces of the United States. Large stretches of the coast of the insurrectionary States are already in the occupation of the United States, including many of their ports. The others are falling rapidly into the same occupation. The arms of the United States have successfully resisted the revolution, and it is yielding on all sides before them.

The time is an opportune one for those friendly powers which, as we think, so prematurely and unnecessarily conceded belligerent rights to the insurgents to reverse that policy and resume the original relations with the United States. Perseverance by them in that policy can only embarrass a commerce between those powers and the United States, the obstruction of which is only less injurious to themselves than to our own country, while it sustains hopes of foreign intervention, already rendered desperate by the manifest disposition of that portion of the people which has been invited to return to the constitutional relations with the federal government.

This domestic war has been protracted long enough. It is the interest of humanity that it should be closed as speedily as possible. It would come to an end to-morrow if the European states should clearly announce that expectations of favor from them must be removed.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES S. PIKE, Esq., &c., &c., &c.

REPORTS
FROM
CONSULS OF THE UNITED STATES
IN
Relation to Privateers, &c., &c.

GREAT BRITAIN.

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|---|--------------------|
| Mr. Whiting to Mr. Seward..... | October 25, 1861. |
| Same to same..... | October 26, 1861. |
| Same to same, (with one enclosure)..... | December 9, 1861. |
| Same to same..... | December 10, 1861. |
| Same to same, (with one enclosure)..... | December 10, 1861. |
| Same to same, (with two enclosures)..... | December 12, 1861. |
| Same to same..... | December 13, 1861. |
| Same to same, (with one enclosure)..... | December 19, 1861. |
| Same to same..... | December 23, 1861. |
| Same to same..... | January 2, 1862. |
| Same to same..... | January 19, 1862. |
| Same to same..... | January 20, 1862. |
| Same to same..... | February 12, 1862. |
| Same to same..... | February 16, 1862. |
| Mr. Wells to Mr. Seward, (with three enclosures)..... | November 1, 1861. |
| Same to same..... | November 3, 1861. |
| Same to same..... | November 8, 1861. |
| Mr. F. W. Seward to Mr. Wells..... | December 18, 1861. |
| Mr. Allen to Mr. Seward, (with one enclosure)..... | February 20, 1862. |
| Same to same..... | February 22, 1862. |
| Same to same..... | February 25, 1862. |
| Mr. Trowbridge to Mr. Seward..... | November 19, 1861. |
| Mr. F. W. Seward to Mr. Trowbridge..... | December 17, 1861. |
| Mr. Trowbridge to Mr. Seward..... | November 26, 1861. |
| Mr. F. W. Seward to Mr. Trowbridge..... | January 9, 1862. |
| Mr. Hogg to Mr. Seward..... | November 21, 1861. |
| Mr. Britton to Mr. Seward..... | November 22, 1861. |
| Mr. Morse to Mr. Seward..... | November 23, 1861. |

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| Same to same, (with five enclosures)..... | November 30, 1861. |
| Same to same..... | December 7, 1861. |
| Same to same, (with one enclosure)..... | December 20, 1861. |
| Mr. Sprague to Mr. Seward..... | January 6, 1862. |
| Mr. F. W. Seward to Mr. Sprague..... | February 1, 1862. |
| Mr. Sprague to Mr. Seward..... | January 25, 1862. |
| Mr. F. W. Seward to Mr. Sprague..... | February 8, 1862. |
| Mr. Sprague to Mr. Seward, (with one enclosure)..... | February 7, 1862. |
| Same to same, (with five enclosures)..... | February 18, 1862. |
| Same to same, (with two enclosures)..... | March 14, 1862. |
| Same to same..... | March 21, 1862. |
| Mr. Brown to Mr. Seward..... | January 25, 1862. |

SPAIN.

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| Mr. Shufeldt to Mr. Seward, (with eight enclosures)..... | July 10, 1861. |
| Same to same, (with ten enclosures)..... | July 17, 1861. |
| Mr. Seward to Mr. Shufeldt..... | July 29, 1861. |
| Mr. Shufeldt to Mr. Seward..... | August 1, 1861. |
| Mr. Seward to Mr. Savage..... | September 30, 1861. |
| Mr. Hooken to Mr. Seward..... | July 19, 1861. |
| Mr. Little to Mr. Seward..... | February 10, 1862. |

PORTUGAL.

| | |
|---|--------------------|
| Mr. Dabney to Mr. Seward, (with one enclosure)..... | February 28, 1862. |
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BRAZIL.

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|---|---------------------|
| Mr. McGrath to Mr. Seward, (with two enclosures)..... | September 15, 1861. |
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NETHERLANDS.

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| Mr. Jesurun to Mr. Seward, (with two enclosures)..... | July 19, 1861. |
| Same to same..... | July 27, 1861. |
| Same to same..... | August 7, 1861. |
| Same to same..... | August 26, 1861. |
| Same to same..... | September 3, 1861. |
| Same to same..... | September 6, 1861. |
| Same to same..... | September 6, 1861. |
| Mr. Morse to Mr. Seward..... | November 8, 1861. |
| Same to same..... | November 9, 1861. |
| Mr. Sawyer to Mr. Seward, (with nine enclosures)..... | September 4, 1861. |
| Mr. F. W. Seward to Mr. Sawyer..... | October 4, 1861. |
| Mr. Sawyer to Mr. Seward, (with one enclosure)..... | September 5, 1861. |
| Same to same, (with one enclosure)..... | September 10, 1861. |
| Mr. F. W. Seward to Mr. Sawyer..... | October 17, 1861. |

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|-------------------------------------|--------------------|
| Mr. Sawyer to Mr. Seward..... | September 24, 1861 |
| Same to same..... | October 20, 1861. |
| Mr. F. W. Seward to Mr. Sawyer..... | December 11, 1861. |
| Mr. Sawyer to Mr. Seward..... | October 22, 1861. |
| Same to same..... | November 4, 1861. |
| Same to same..... | December 16, 1861. |
| Same to same..... | January 12, 1862. |

DENMARK.

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|------------------------------------|---------------------|
| Mr. Edgar to Mr. Seward..... | August 22, 1861. |
| Mr. F. W. Seward to Mr. Edgar..... | September 12, 1861. |
| Mr. Edgar to Mr. Seward..... | November 25, 1861. |
| Mr. F. W. Seward to Mr. Edgar..... | December 16, 1861. |

HAMBURG.

| | |
|---------------------------------------|------------------|
| Mr. F. W. Seward to Mr. Anderson..... | July 20, 1861. |
| Mr. Anderson to Mr. Seward..... | August 20, 1861. |
| Same to same..... | January 6, 1862. |

VENEZUELA.

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|--------------------------------|------------------|
| Mr. Golding to Mr. Seward..... | August 18, 1861. |
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GREAT BRITAIN.

Mr. Whiting to Mr. Seward.

No. 32.]

CONSULATE OF THE UNITED STATES OF AMERICA,
At Nassau, N. P., Bahamas, October 25, 1861.

SIR :

* * * * *

On the 14th ultimo an armed steamer called the *Theodora*, direct from Charleston, chased the New York underwriters' schooner, the *H. W. Johnson*, into the very mouth of this harbor.

The steamer was boarded by a secession merchant of this place, and he brought ashore the report that the steamer was *en route* to Havana, with a large number of passengers on their way to England.

It is certain that she was well armed, and that her passengers were also well provided with small arms.

The opinion here is that, having heard that the armed schooner *H. W. Johnson* was cruising about the banks, they thought she would be a most desirable prize for their piratical expeditions.

* * * * *

I have the honor to be, sir, very respectfully, your obedient servant,
SAMUEL WHITING,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

No. 33.]

CONSULATE OF THE UNITED STATES,
At Nassau, N. P., October 26, 1861.

SIR : Since writing despatch No. 32 I have learned from good authority that the so-called steamer *Theodora* is the Charleston packet *Gordon*, lately plying between that port and Fernandina, and the captain, Robert Lockwood, who was pilot of the steamer *Columbia*, which I commanded, sent his *respects* to me. He commanded the *Gordon* when I was last in Charleston, and the *Theodora* and *Gordon* are undoubtedly one and the same.

* * * * *

I have the honor, &c.,

SAMUEL WHITING, *Consul.*

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

No. 41.]

UNITED STATES CONSULATE,
At Nassau, N. P., December 9, 1861.

SIR: The British steamer (screw propeller) *Gladiator* has just arrived at this port from London, it is supposed, laden with arms and munitions of war for the rebel States.

I at once chartered the schooner *Charles Tunnel* at ten dollars per diem, and despatched a trusty gentleman, George E. Leonard, to Key West with despatches for the commander of the United States naval forces at that port.

I also sent at once a letter to the governor, Nesbitt, a copy of which I enclose.

Strenuous exertions are being made by the merchants here to induce the governor to prevent the landing of the cargoes of coal just arrived, and consigned to my care by the United States navy agent at Philadelphia. My impression is that there can be no legal prevention, and I shall act accordingly.

The steamer *Ella Warley*, mentioned in several late despatches, is here, and I am inclined to the belief that her mission is to receive the cargo of the *Gladiator* and run it to the rebel States.

An American cruiser would be a godsend at this juncture, and my best hope is that the coal shipment is the precursor of such an arrival soon.

I have the honor to be, sir, your most obedient servant,

SAM'L WHITING, *Consul.*

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Governor Nesbitt.

UNITED STATES CONSULATE,
At Nassau, N. P., December 9, 1861.

SIR: It becomes my duty, as consul for the United States of America, to inform your excellency of the arrival at this port this day of the British steamer *Gladiator*, laden with arms and munitions of war for the rebel States of America.

I am advised of the clearance of this vessel from London for this port with this "contraband of war," and I earnestly appeal to your excellency to prevent this cargo from being shipped to the rebel States for the use of those who are in arms to overthrow the established government.

I have the honor to be, sir, your excellency's most obedient servant,

SAM'L WHITING, *U. S. Consul.*

HIS EXCELLENCY GOVERNOR NESBITT,
Acting Governor of the Bahamas.

Mr. Whiting to Mr. Seward.

No. 42.]

UNITED STATES CONSULATE,
At Nassau, N. P., December 10, 1861.

SIR: I have already, through different channels, apprised you of the arrivals of the steamers *Isabel* and *Gladiator*, the last from London with arms for the rebels.

This morning the steamer *Theodora*, late the *Gordon*, arrived here direct from Charleston. She seemed to be badly damaged about her upper works as she passed the consulate, probably the effects of the late severe and protracted gale.

I have despatched a bearer of despatches in the schooner *Charles Tunnell* for the commanding officer of the naval forces at Key West, as I think it most important that one of our cruisers should be in this vicinity.

The coal which is being landed here for government has caused great excitement among the Nassau masses, and a deputation visited Governor Nesbitt yesterday to remonstrate against its being landed. They were referred to the attorney general, who showed them that it could not be legally prevented. They do not know that the coal is government stores, though they take that for granted; and the most ultra ones swear that it cannot be reshipped on board a national vessel without violating their "NEUTRALITY" laws. This is barefaced, when there are three rebel steamers now in front of the consulate with secession rags flying, and a British steamer with "contraband of war" on board.

I have the honor to be, &c.,

SAM'L WHITING, *Consul*.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

No. 43.]

UNITED STATES CONSULATE,
At Nassau, N. P., December 10, 1861.

SIR: I have the honor to enclose to you a copy of the letter sent to me this morning by the colonial secretary, acting on the orders of Lieutenant Governor Nesbitt, in relation to the landing of the cargoes of coal consigned to me by the United States navy agent at Philadelphia.

The vessels were at the consulate dock, and were just on the point of discharging, when I received the governor's letter, and I at once stopped the landing of the coal to await the arrival of the steamer, when I hope to have advices in relation to it. The demurrage will be heavy, to be sure—twenty dollars per diem—but if the coal is kept afloat one of our steamers could be supplied at once should she arrive.

One thing is patent, viz: The government of the United States need expect no favor from the colonial government of the Bahamas, while every facility and encouragement is extended to the rebels who are seeking its overthrow.

* * * * *

I have the honor, &c.,

SAM'L WHITING, *U. S. Consul*.

Hon. WILLIAM H. SEWARD,
Secretary of State.

BAHAMAS.

COLONIAL SECRETARY'S OFFICE,
Nassau, December 10, 1861.

SIR: The receiver general and treasurer having on the 7th instant forwarded to the lieutenant governor the manifest of cargo on board the United States schooner *Caleb Stetson*, by which it appears that such cargo consists of three hundred tons of coal, which was shipped from the port of Philadelphia by order

of the United States Navy Department, and consigned to yourself as the United States consul at this port, I am directed by the lieutenant governor to inform you that although he has given directions to the receiver general and treasurer to admit the coal to an entry and landing, yet it is on the express condition and understanding that such coal shall not afterwards be reshipped or otherwise used in any manner which may, in the opinion of the law authorities of the colony, involve a breach of her Majesty's proclamation of the 13th of May last, and particularly that such coal shall not be used for the purpose of coaling, or affording facilities for coaling, at this port the vessels-of-war of the United States navy during the continuance of the hostilities now unhappily existing in America, as his excellency is advised that such would constitute a breach of her Majesty's proclamation before referred to, (a copy of which is enclosed,) the provisions of which it is his excellency's intention to preserve inviolate, unless specially authorized by her Majesty to depart therefrom.

I have the honor to be, sir, your obedient servant,

A. J. THOMPSON,
Acting Colonial Secretary.

Mr. Whiting to Mr. Seward.

No. 44.]

UNITED STATES CONSULATE,
At Nassau, N. P., December 12, 1861.

SIR: I have the honor to enclose to your address a true and faithful copy of the letter addressed to me by the colonial secretary, as directed by the lieutenant governor, Nesbitt, of the Bahamas, in answer to my own addressed to him on the 9th instant, relative to the arrival of the *Gladiator*.

I have this day sent to the governor the certificate of the schooner *Caleb Stetson's* master, stating that his vessel is in a leaky condition, and that it is necessary for the safety of his ship and cargo that part of his coals should be landed at once.

I therefore requested his excellency's permission to discharge on board the United States steamer *Flambeau* sufficient coal to lighten the *Caleb Stetson*, citing several authorities as proof that "*coal* is not contraband."

I enclose a copy of his excellency's reply objecting to the transhipment, but allowing me to *land* the coals on the conditions before named.

As this would place it out of my power to reship them for the use of any United States war vessel, I have ordered the coal schooners to go off to anchor until I receive advices from the department.

I have the honor to be, &c.,

SAMUEL WHITING, *Consul.*

HON. WILLIAM H. SEWARD,
Secretary of State.

BAHAMAS.

COLONIAL SECRETARY'S OFFICE,
Nassau, December 10, 1861.

SIR: I am directed by the lieutenant governor to acknowledge the receipt of your letter of the 9th instant, in which you state that you deem it your bounden duty to inform his excellency of the arrival at this port, on the last-mentioned date, "of the British steamer *Gladiator*, laden with arms and munitions of war

for the rebel States of America," and that you were advised of her clearance for this port with this "contraband of war," and "earnestly appealing to his excellency to prevent her cargo from being reshipped or transported to the United States for the use of those in arms to overthrow that government."

His excellency desires me to assure you of his anxiety to preserve the strict neutrality which her Majesty has enjoined in the royal proclamation of the 13th May last, and to enforce the same on all her Majesty's subjects, and others in this colony, so far as the law will justify him.

His excellency has, with this view, made careful inquiry into the case of the steamer *Gladiator*, and finds that she is registered in London, and left that port ostensibly on "a voyage to Teneriffe, thence to Nassau, N. P., and any other places in the West Indies, east coast of South and North America, and back to a port in the United Kingdom;" and in the report made by the master at the treasury under the colonial law, it is stated that she is bound from Teneriffe to Vera Cruz, with a general cargo, *not to be landed here*; the avowed object of her entering this port being to coal.

As far as these papers show, the voyage is a legal one; and the fact of there being arms and other munitions of war on board of her will not of itself alter the legal character of the transaction, as there exists no prohibition, as far as his excellency is aware, to the conveyance in a British ship from one British port to another, or from a British port to a neutral one, of arms or other munitions of war as cargo.

Unless, therefore, you are prepared with such evidence as will be receivable in a British court of law to prove that the arms and other munitions of war, now alleged by you to be on board of the *Gladiator*, have been shipped for the purpose of conveyance, and are now in the course of conveyance to some port of the Confederate States of America, his excellency is advised that the vessel cannot be viewed as a "storeship" within the meaning of the act of Parliament referred to in her Majesty's proclamation, and that the authorities of this colony have no right to interfere with her or her cargo, or to withhold from her any of those privileges which, as a British ship, she is entitled to in a British port.

I have the honor to be, &c.,

A. J. THOMPSON,
Colonial Secretary.

UNITED STATES CONSUL, *Nassau, N. P.*

BAHAMAS.

COLONIAL SECRETARY'S OFFICE,
Nassau, December 12, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of this date, stating that the master of the schooner *Caleb Stetson*, of Philadelphia, now lying in this port of Nassau, has this day testified before you that his vessel was leaking so badly that it is necessary that she be at once discharged or lightened, and requesting permission to land the coal on board the United States steamer *Flambeau* as soon as possible.

In reply, I am directed by the lieutenant governor to state that his excellency is of opinion that it would be *objectionable*, and in violation of the decision already arrived at and communicated to you, to permit the coals on board the *Caleb Stetson* to be transhipped to the United States steamer *Flambeau*, but as consignee you have a right to enter the coals and land them.

I have the honor to be, &c.,

A. J. THOMPSON,
Colonial Secretary.

SAMUEL WHITING,
United States Consul.

Mr. Whiting to Mr. Seward.

No. 45.]

UNITED STATES CONSULATE,

At Nassau, N. P., December 13, 1861.

SIR: I have the honor to inform you of the arrival at this port, on the 11th instant, of the United States steamer *Flambeau*, Temple, commander, five days from New York, all well.

The arrival was most opportune, as two secession steamers were then lying in this harbor, and the British steamer *Gladiator*, from London, *undoubtedly* laden with arms and munitions for the rebel States.

The day previous to the arrival of the *Flambeau* I had chartered a small, fleet schooner and sent a bearer with despatches to the commanding naval officer at Key West.

The captain of the *Flambeau* is watching intently the movements of these rebel steamers, but an English man-of-war has just arrived, and several more are telegraphed as in sight, and I do not doubt that every protection will be afforded to the *Gladiator*, and every means afforded to facilitate her escape.

I have the honor to be, sir, &c., &c.,

SAMUEL WHITING, *Consul.*

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Whiting to Mr. Seward.

No. 46.]

UNITED STATES CONSULATE,

Nassau, N. P., December 19, 1861.

SIR: I have the honor to inform you that on the 13th day of December, after having been refused permission to put coals on board the United States steamer *Flambeau* from an American schooner, the *Caleb Stetson*, I noticed that the privateer or secession vessel, the *Theodora*, Mason and Slidell's packet, was being coaled by Hy. Adderley, of this place.

I sent a remonstrance to the governor, and have the honor to enclose his reply.

Very respectfully, &c., &c.,

SAMUEL WHITING, *Consul.*

Hon. WILLIAM H. SEWARD,

Secretary of State.

BAHAMAS.

COLONIAL SECRETARY'S OFFICE,

Nassau, December 14, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, which I submitted to the lieutenant governor, who, in reply, desires me to inform you that he finds, on reference to the official correspondence on the subject of the coal recently brought to this port from Philadelphia, that the cases referred to are altogether dissimilar.

The *Theodora* is a merchant vessel lawfully trading to this port, and being propelled by steam it is necessary, to enable her to pursue her occupation as a trader, that she should be supplied with coal. The furnishing this necessary article, therefore, for her use, by a merchant in the way of trade, is perfectly lawful, and cannot be construed into a breach of neutrality.

It is true that in your letter you style the vessel "a privateer," but as far as she is known to the authorities here she is a merchant vessel, and you yourself make use of the alternative, "the privateer or secession vessel."

The Flambeau is, on the other hand, avowedly an armed vessel in the service of the federal government. She has entered this port without any apparent necessity for so doing, and the authorities have not been informed of the object of her visit. She has already been in port for several days, and the only object which it is reasonable to suppose that her commander has in view is to watch and endeavor to intercept and capture *confederate vessels* trading to this port.

If so, this is making an undue and improper use of a neutral port, and to supply her with coal would be to facilitate her *belligerent operations*.

So far as the Flambeau is concerned, *coal must be considered as contraband of war*, and consequently an article which, under her Majesty's proclamation, *cannot properly be supplied to her in this port*.

I have the honor to be, sir, your obedient servant,

A. J. THOMPSON,
Acting Colonial Secretary.

SAMUEL WHITING,
United States Consul, Nassau.

Mr. Whiting to Mr. Seward.

No. 47.]

UNITED STATES CONSULATE,
At Nassau, N. P., December 23, 1861.

SIR: I have the honor to inform you that on receipt of the letter from the colonial secretary of the Bahamas, a copy of which I mailed by this steamer to the Department of State, in which he says that the government coal for the Flambeau must be considered contraband, I at once despatched one of the schooners to Key West, there to be discharged. The other, the Caleb Stetson, is still here, and though the demurrage is quite an item, still I am not quite settled as to any more proper course to be followed.

The Flambeau is still here, though the Isabel and Theodora have both left the anchorage, the first named steamer having changed her name and flag.

The vessel which I despatched to Key West with a messenger to inform the naval commander there of the Gladiator's arrival did not reach her destination, but returned here after a week's absence, the black skipper having doubtless been bribed by the merchants here to gain time.

The Gladiator is still lying here near the Flambeau, and apparently idle; at least I do not think any arms have been taken out of her.

I have the honor to be, sir, &c., &c.,

SAMUEL WHITING, *Consul.*

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

No. 1.]

UNITED STATES CONSULATE,
At Nassau, N. P., January 2, 1862.

SIR: I have the honor to inform you of the arrival at this port, on the 26th ultimo, of the United States steamer Santiago, Ridgely, commander, and of her departure on a cruise the same day.

Also, of the departure on the 28th ultimo of the United States steamer Flambeau, Temple, commander.

The Santiago struck heavily on the bar while entering, her draught being fourteen feet.

The colonial governor, Nesbitt, having informed me that "no United States war-vessel could be supplied with coal here," I have ordered all the coal fleet to Key West, Florida, except the British brig Cecile, whose master, Boggs, refused to go. I have written to the Navy Department full details of the matter, and sent copies of the correspondence between the colonial secretary and myself to the State Department.

The rebel steamer Isabel, now British steamer Ella Warley, left this port on the 30th ultimo, having taken on board part of the cargo of the British ship Eliza Bonsall, consisting of woollen clothes and provisions. I believe no arms were transhipped, or other munitions of war.

The British steamer Gladiator is still here, no movement toward discharging having yet taken place.

* * * * *

I have the honor to be, &c., &c.,

SAMUEL WHITING, *Consul*.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

UNITED STATES CONSULATE,
At Nassau, N. P., January 19, 1862.

SIR: I have the honor to inform you of the departure this morning of the United States gunboat Flambeau, Temple, commander, for Port Royal, South Carolina.

While I am writing the rebel steamer Caroline, (now Kate,) Lockwood, master, which arrived yesterday from Charleston, is lying alongside of the ship Eliza Bonsall, taking on board the remainder of the cargo destined for the rebel States.

The Isabel, or Ella Warley, took part of the same ship's cargo some weeks since. * * * * *

The Gladiator, steamer, is also transhipping her arms, I am told, at Cochrane's anchorage, ten miles from Nassau.

I have the honor, &c.,

SAMUEL WHITING, *Consul*.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

No. 7.]

UNITED STATES CONSULATE,
At Nassau, N. P., January 20, 1862.

SIR: I have the honor to inform you of the arrival at this port on the 14th instant of the United States gunboat Flambeau, Temple, commander, from Key West, Florida. All well. * * * * *

The British steamer Gladiator is lying ten miles from Nassau, at the Cochrane anchorage, where she has been for a week. She is far removed from my *espion-*

age, and might tranship her cargo with little risk of detection, though I am watching her as closely as I can.

* * * * *

On the 18th the fast steamer (rebel) Carolina came in, direct from Charleston, with the secession rag displayed at her peak.

She has come for the remainder of the cargo of the ship Eliza Bonsall, and brings a full load of cotton to complete that vessel's lading for Europe.

* * * * *

I have the honor, &c.,

SAMUEL WHITING, *Consul*.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

No. 10.]

UNITED STATES CONSULATE,
At Nassau, N. P., February 12, 1862.

SIR: I have the honor to inform you that within the past week there have been four arrivals of small schooners from Charleston, South Carolina, all laden with cotton, and this morning the rebel steamer Catawba arrived here, "*direct from Charleston*," fully laden with rice and cotton, and flying the "secession rag" at her peak, to the mortification of the *loyal Americans* here, and to the intense gratification of the *Conchs*.

* * * * *

I have the honor to inform you also that the Gladiator is still here; two steamers from Charleston have taken most of her powder and arms, and the Catawba will complete the rest.

I have the honor, &c.,

SAMUEL WHITING, *Consul*.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Whiting to Mr. Seward.

UNITED STATES CONSULATE,
At Nassau, N. P., February 16, 1862.

SIR: I have the honor and *mortification* to inform you of the arrival at this port, this forenoon, of the rebel steamer Carolina, now the Kate, direct from Charleston, with a full load of cotton. At all events, she is reported from Charleston, though I have my doubts as to the truth of the assertion.

One thing, however, is certain, she has safely landed her large cargo of arms somewhere in Secessia, and is now back with a full return cargo.

* * * * *

Later.—The Kate is most likely from Fernandina, and must have left in a great hurry, as she brought no cargo, and she probably is after the remainder of the Gladiator's arms, which vessel is still here.

I have the honor to be, sir, &c., &c.,

SAMUEL WHITING, *Consul*.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wells to Mr. Seward.

No. 10.]

UNITED STATES CONSULATE,
Bermuda, November 1, 1861.

SIR: I have to inform you that the steamer Nashville arrived here on the 30th ultimo. While she was on her way to the dock yard I called upon his excellency the governor, and informed him of the character of the vessel, and the probable cause of her coming here, and asked him to order that no supplies should be granted to her. The governor desired me to make my application in writing, which I did, and the copies of my letters and his reply are herewith enclosed.

The Nashville left the dock yard yesterday afternoon, and is now lying in the port of St. George, and preparations are being made to supply her with five or six hundred tons of coal. With the ordinary facilities here, it will, I think take five days to put this quantity on board, and as Sunday intervenes, it will probably be six days at least before she can get to sea. It is possible that the laborers here, who are now discussing the character of this vessel, may refuse to work, and in this event her stay here may be prolonged for several days beyond the time mentioned.

From information on which I think I can rely, the Nashville left Charleston on the night of the 26th ultimo, and is bound to Liverpool. A newspaper, the Charleston Mercury of the 26th ultimo, has been shown me, which came from her. Messrs. Slidell and Mason were to have taken passage by her; indeed they had gone on board, but fearing detention on the bar, were transferred to a smaller steamer, which, it is supposed, conveyed them to one of the southern islands.

The Nashville appears to have no armament, only two small iron guns forward, and the commander stated at the custom-house that these were the only guns on board.

I shall hand to the master of the vessel who forwards this, and sails to-day, a letter addressed to the commander of any United States ship-of-war which he may chance to meet with on his passage to New York, stating that the Nashville is here, of the probable time she will be detained, and her supposed destination. The steamer from St. Thomas for Halifax is due here to-morrow, and I shall write the United States consul at Halifax, requesting him to telegraph to you the same information.

No vessel belonging to our navy has been signalled here since the departure of the Connecticut on the 21st ultimo.

All that it has been in my power to do to prevent the Nashville from obtaining a supply of coal here has been done. The person who has engaged to supply her has been deaf to my arguments and remonstrances, and I can only now fold my hands and hope and pray that one of our vessels-of-war may come here before her departure.

I am, sir, very respectfully, your most obedient servant,

F. B. WELLS.

Hon. WM. H. SEWARD,
Secretary of State.

An officer from the Nashville has stated that he saw the commander of the steamer "Bermuda" the day before they left Charleston, and that it was proposed to load the Bermuda with cotton, and despatch her for Liverpool.

UNITED STATES CONSULATE,
St. George, October 30, 1861.

SIR: I have the honor to inform your excellency that an armed steamer vessel, under the flag of the so-called Confederate States of America, arrived here this afternoon, and is now at anchor near her Majesty's naval yard.

This vessel has, I learn, called here to obtain a supply of coal, and as she has been sent out for the purpose of committing depredations on the commerce of the United States, I respectfully solicit that your excellency will be pleased to order that no supplies may be granted to her here.

I have the honor to be, sir, your most obedient servant,

F. B. WELLS.

His Excellency Lieut. Col. HARRY ST. GEORGE ORD,
Governor, &c., &c., &c.

UNITED STATES CONSULATE,
St. George, October 31, 1861.

SIR: I have been informed this morning that the steam vessel, in reference to which I had the honor yesterday to address your excellency, is now on her way to this port, where arrangements have been made with John T. Fisher, esq., police magistrate of this town, to supply her with coal.

I have the honor to be, sir, your most obedient servant,

F. B. WELLS.

His Excellency Lieut. Col. HARRY ST. GEORGE ORD,
Governor, &c., &c., &c.

MOUNT LANGTON, *October 31, 1861.*

SIR: I have the honor to acknowledge the receipt of your communication of the 30th instant, informing me that an armed steam vessel bearing the flag of the so-called Confederate States of America has arrived here for the purpose of obtaining a supply of coal, and requesting me to order that no supplies may be granted to her; and, in reply, I beg to acquaint you that the officer commanding this vessel had made an application to be allowed to draw a supply of coals from the stores of her Majesty's dock yard, and has been informed that his request cannot be complied with.

I have also the honor to acknowledge the receipt of your letter of this day's date, stating that the vessel referred to is now on her way to the port of St. George, where arrangements have been made with J. T. Fisher, esq., to supply her with coals.

I have the honor to be, sir, your most obedient servant,

H. ST. GEORGE ORD,
Governor and Commander-in-Chief.

Mr. Wells to Mr. Seward.

No. 11.]

UNITED STATES CONSULATE,
Bermuda, November 3, 1861.

SIR: By the brig Peerless, of Bermuda, which sailed on the 1st instant for New York, I had the honor to address you, reporting the arrival here, on the 30th ultimo, of the steamer Nashville, three and a half days from Charleston, bound to Liverpool.

While the Nashville was on her way to the dock yard, I called upon the governor of the island and informed him of the character of the vessel and her probable errand here, and requested him to order that no supplies should be granted to her. On the following day the vessel went into the port of St. George, where arrangements had been made with a merchant there to supply her with six or seven hundred tons of coal. Copies of the correspondence which had passed between the governor and myself relative to this vessel accompanied my letter.

I mentioned, also, in my letter to you, that I should give to the master of the Peerless a letter addressed to the commander of any United States ship-of-war that he might meet on his passage, stating the arrival here of the Nashville, the time of her probable detention, and supposed destination. Such a letter was handed to the master of the Peerless, and he promised to seek an opportunity to deliver it, and, as he has the will to serve me, possibly some good may result from it.

Last night a man came to my house, who said that he had just escaped from the Nashville. He is a native of Switzerland, a marble-cutter by trade, has a wife and children in Charleston, and says the alternative was presented him to serve as a soldier or go on board this vessel, and begged me to befriend him. He states that the Nashville was trying for about thirty days to get to sea, and that he understood some passengers they were to have taken, becoming disheartened at the repeated failures to get out, took passage in a smaller steamer for one of the islands. This man states that they are much in want of fire-arms and sailors on the Nashville, and that the crew have been worked so hard that most of them are determined to make their escape here.

They are working night and day to coal the vessel, but if many of the crew should escape it will be almost impossible to recover them or supply their places, so that I cannot but hope she will be detained fully as long as the time I mentioned in my last, the 6th instant.

Captain Hunter, of the steamer Delta, which arrived this morning from St. Thomas, and leaves immediately for Halifax, informs me that a schooner from Savannah, with a cargo of rice, arrived at St. Thomas on Sunday last, October 26, and that it was generally believed in St. Thomas that Messrs. Slidell and Mason were passengers by her, and left in the steamer for Southampton on the 30th ultimo.

I have the honor to be, sir, your most obedient servant,

F. B. WELLS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Wells to Mr. Seward.

No. 13.]

UNITED STATES CONSULATE,
Bermuda, November 8, 1861.

SIR: I had the honor to address you on the 1st instant relative to the steamer Nashville, which vessel left here at noon on the 5th instant.

I also forwarded to you a letter which I had received from the governor of the island concerning the Nashville. From that letter it might be inferred that the authorities here felt no disposition to extend assistance to that vessel. But it was well known to the governor and the superintendent of the dock yard that there was an ample supply of coal kept here by merchants; and the commander

of the Nashville, when he made his application "to be allowed to draw a supply of coal from the stores of her Majesty's dock yard, and was informed that his request could not be complied with," was doubtless made aware of the fact that other sources of supply were open to him, and when such was the case that it was not the rule to grant stores from the dock yard.

But what would have been done, had there been no coal in the market, was soon made apparent. The Nashville commenced coaling Friday morning, and that day a telegraph was sent to the dock yard that the supply was probably insufficient, and a request was made for two hundred tons from the yard. That night a gunboat went from the yard to St. George, and the lieutenant in charge was seen to go on board the Nashville, and in a short time he returned to the yard. At this time the bark Oraville, of Rockland, Maine, was discharging coal in the yard, and on Friday evening the master of the Oraville was notified that the Nashville was coming there next morning to take two hundred tons of coal, and he was directed to remove his ship from the wharf and give place to the steamer as soon as she was seen on her way up. But the supply at St. George was found to be sufficient, and the steamer did not return to the yard.

When the collector of customs claimed the light dues for the Nashville her commander objected to its payment, and on referring the matter to the governor the collector was instructed to relinquish the claim, and "to extend the same courtesies to the Nashville that were due to any other vessel-of-war."

I passed across the wharf the morning the Nashville commenced coaling. A large number of coal baskets were ranged there, filled, marked B. O., (Board of Ordnance;) and while I was observing them a man in the employ of the military storekeeper who had furnished the baskets came along, and with a pot of black paint effaced the letters. The military storekeeper would probably not have felt it incumbent on him to keep up appearances by disrating or putting his baskets out of office if he had been informed of the governor's instructions respecting the coal.

Unusual courtesies were extended by the officers of the garrison to the officers of the Nashville, and all the circumstances attending the visit of that vessel here show that she was almost universally regarded with friendly feelings.

The Nashville took about five hundred tons of coal. Her commander purchased another lot, about four hundred tons, all there is now for sale, and directed it to be furnished to any other "Confederate" vessel that might come here. When the Fingal came in (the arrival of that vessel and apparently intended voyage was communicated to you on the 3d instant) he permitted her to be supplied from that stock.

The officers of the Nashville and the passengers of the Fingal were almost constantly together, and the mate of the Fingal and several of her passengers have been recognized here as formerly residents of Savannah. A large quantity of crushed sugar, coffee, flannel, and blankets, was purchased for the Fingal, and she left here yesterday afternoon, reporting to be bound to Jamaica, *via* Nassau, N. P. She is an iron vessel, hails from Glasgow, is a propeller, rigged as a topsail schooner, is about five hundred tons burden, and drew eleven feet nine inches when she went to sea.

The Nashville brought here two Charleston pilots. One of these men was transferred to the Fingal and left here in that vessel.

I am, sir, very respectfully, your most obedient servant,

F. B. WELLS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. F. W. Seward to Mr. Wells.

DEPARTMENT OF STATE,

Washington, December 18, 1861.

SIR: Your No. 13 has been received, and a copy immediately transmitted to the Secretary of the Navy for his information.

You will please accept the acknowledgments of the department for the information which you have communicated.

I am, sir, your obedient servant,

F. W. SEWARD,

Assistant Secretary.

F. B. WELLS, Esq.,

United States Consul, Bermuda.

Mr. Allen to Mr. Seward.

No. 6.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Bermuda, February 20, 1862.

SIR: I beg to inform you that the rebel steamer Nashville arrived at these islands this p. m., reported seventeen days from Southampton, England, short of coal. I shall do all I can to prevent her getting coal.

I am informed her armament is the same as when here last fall, but the vessel has changed some in appearance, having had her masts shortened, and some alterations about her head. She has but little cargo, if any. I herewith enclose paper No. 1, copy of a communication received this day from Governor Ord, in relation to the formation of a coal depot here. I have received four cargoes of coal, amounting to about 1,150 tons, shipped by the United States Navy Department from Philadelphia, but have received no instructions as to its disposition. I have a very good place to store it, at an annual rent of \$100 per year.

With much respect, I am, sir, your obedient servant,

C. M. ALLEN, *Consul.*

The SECRETARY OF STATE,

Washington, D. C.

MOUNT LANGTON,

Bermuda, February 19, 1862.

SIR: It having been intimated to me that vessels laden with coals and consigned to you have recently arrived in the port of St. George's for the purpose of forming there a coal depot for the use of the war steamers of the United States navy, it is my duty to acquaint you that the government of her Britannic Majesty has determined not to allow the formation in any British colony of a coal depot for the use of their vessels-of-war, either by the government of the United States or of the so-styled Confederate States.

I have the honor to be, sir, your most obedient, humble servant,

H. ST. GEORGE ORD,

Governor and Commander-in-Chief.

C. M. ALLEN, Esq.,

United States Consul, &c., &c., &c.

Mr. Allen to Mr. Seward.

No. 7.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Bermuda, February 22, 1862.

SIR: I have the honor to inform you the steamer Nashville is still here, and is obtaining a supply of coals from the British ship Mohawk. They report having seen no vessel on the passage hither from England. I understand it is their intention to go from here immediately home.

I am, sir, with much respect, your obedient servant,

C. M. ALLEN, *Consul.*

The SECRETARY OF STATE,
Washington, D. C.

Mr. Allen to Mr. Seward.

No. 8.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Bermuda, February 25, 1862.

SIR: I beg to inform you that the steamer Nashville left here yesterday, after taking on board 150 tons of coal, and all of the crew and master of the schooner Pearl, recently arrived here from Newbern, North Carolina. She left these islands under escort of her Majesty's steamer Spiteful, and, from all the information I can gather, I think she will go direct to Charleston or vicinity.

I am reliably informed that a large portion of her crew were confined below deck while in port here.

I am, sir, your obedient servant,

C. M. ALLEN, *Consul.*

The SECRETARY OF STATE,
Washington, D. C.

Mr. Trowbridge to Mr. Seward.

No. 2.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Barbadoes, November 19, 1861.

SIR: I have the honor to copy, for the information of the government, an extract of a letter received by a merchant of this place, as follows:

"ST. LUCIA, November 15, 1861.

"The sloop Darkie arrived here last evening from Martinique, and reports that the southern privateer Sumter came to that island to coal. She was allowed to do so by the French government after some deliberation. She landed a crew belonging to a northern vessel which she had taken and destroyed. The Darkie brought the crew here, but up to the time of my writing I have been unable to learn the name of the vessel to which the crew belonged."

I also beg leave to enclose herein a Mercantile Intelligencer of this island, of the 18th instant, by which a British vessel reports being boarded by a privateer, and from the description given to me by the captain of the Falcon I make no doubt but said vessel was the pirate Sumter. It is known positively that she has been cruising in these waters between Surinam, Curaçoa, and other West India islands. In the event of the Sumter coming to this port, I am of the opinion

that the government would place no obstacles in the way of her coaling here, or procuring other necessary supplies. Of course I should strongly protest to the government against her being allowed to remain, or obtain any supplies of any kind.

There is a good supply of coal here, and United States vessels-of-war can be supplied at reasonable rates, say \$10 to \$12 per ton. It is very much to be desired that a sufficient number of ships-of-war should be despatched this way in order to find and capture the rebel pirate Sumter. Only one American merchant vessel now in port. She leaves for Philadelphia to-day.

I have the honor to be, sir, your obedient servant,

EDWARD TROWBRIDGE,

United States Consul.

The SECRETARY OF STATE, *Washington.*

Mr. F. W. Seward to Mr. Trowbridge.

DEPARTMENT OF STATE,

Washington, December 17, 1861.

SIR: Your despatch No. 2, with its enclosure, relating to the Sumter, has been received, and a copy immediately transmitted to the Secretary of the Navy for his information.

I am, sir, your obedient servant,

F. W. SEWARD,

Assistant Secretary.

EDWARD TROWBRIDGE, Esq.,

United States Consul, Barbadoes.

Mr. Trowbridge to Mr. Seward.

[Extract]

No. 14.]

CONSULATE OF THE UNITED STATES OF AMERICA,

Barbadoes, November 26, 1861.

SIR: * * * * * * *

I learn verbally that the pirate Sumter was in the harbor of St. Pierre, Martinique, on the 22d instant, and the United States steamer Iroquois was one league off the harbor, waiting for her to come out.

I have the honor to be, sir, your obedient servant,

EDWARD TROWBRIDGE.

United States Consul.

The SECRETARY OF STATE, *Washington.*

Mr. F. W. Seward to Mr. Trowbridge.

DEPARTMENT OF STATE,
Washington, January 9, 1862.

SIR: Your despatch No. 14 has been received, and an extract therefrom sent to the Secretary of the Navy.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

E. TROWBRIDGE, Esq.,
United States Consul, Barbadoes.

Mr. Hogg to Mr. Seward.

No. 1.]

CONSULATE OF THE UNITED STATES,
Port of Spain, Trinidad, November 21, 1861.

SIR: I transmit to you a statement made personally to me at the consulate, by Captain Wilson, of the English brigantine *Falcon*, which arrived at this port November 9, from Halifax, *via* Barbadoes, the substance of which may be found entered upon his log-book.

He reports having been boarded on the 4th instant, eighty miles to the north-east of Barbadoes, by an officer from on board a screw steamer, bark-rigged, who examined his papers. The officer stated that it was four months since he had been in an American port, and he would like to get some papers, but he would prefer English papers. He seemed quite reluctant in giving the name of his vessel, but after awhile said it was the *Montgomery*. Captain Wilson, however, thinks it was the privateer *Sumter*. He describes the steamer as painted black, but very rusty, having a hurricane deck fore and aft, with her guns on the second deck. She appeared to have a large number of men on board. The officer was fully armed. The men in the boat were provided with pistols and cutlasses. The officer spoke of having boarded the American schooner *D. Trowbridge*, bound to Demarara, and inquired if the *Falcon* had met with any American vessels on her passage. He was anxious to learn if the northern troops had engaged in any more battles, and what were the rumors in circulation about the supposed wreck of the *Sumter*. When the steamer left the *Falcon* she sailed first to the eastward for a couple of miles, then changed her course, tacking frequently.

I remain, sir, respectfully, yours, &c.,

GEORGE HOGG,
United States Consul.

HON. WM. H. SEWARD,
Secretary of State.

Mr. Britton to Mr. Seward.

UNITED STATES CONSULATE,
Southampton, November 22, 1861.

SIR: I take the first opportunity to inform you of the arrival in Southampton docks of the rebel steamship *Nashville*, having on board the officers and crew of the late New York ship *Harvey Birch*, which ship the rebels first plundered and afterwards totally destroyed by fire. They brought the crew here in irons, but

on arrival turned them on shore. I forwarded full particulars to his excellency Charles F. Adams, United States minister in London. It remains to be seen what course her Britannic Majesty's government will take under the circumstances. I may further add that the rebel steamer requires considerable repairs.

I have the honor to remain, sir, your very obedient servant,

JOHN BRITTON,
United States Consul.

Hon. WM. H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Morse to Mr. Seward.

No. 38.] CONSULATE OF THE UNITED STATES OF AMERICA,
London, November 23, 1861.

SIR: The leading event of the current week has been the appearance of the corsair Nashville, from Charleston, in European waters, and her wanton and malicious destruction of an American ship by burning, about seventy-five miles west of Cape Clear, off the southern coast of Ireland, and her bold entrance into a British port for coal and repairs the day following the committal of the barbarous act. It has, as a matter of course, created much comment and no little excitement here.

So far as I can learn and judge, the public voice here is very strong and outspoken in condemning and denouncing the act as malicious and piratical. It has taken the English people by surprise, and is doing much to enlighten them as to the character of the enemy with whom we are dealing.

* * * * *

By the advice of Dr. Deane and Sir Hugh Cairns, an officer was sent to Southampton to-day to demand of the pirate captain the chronometer and the barometer of the burnt ship Harvey Birch, which he took and refused to return to Captain Nelson. This, we hope, will force the commander of the Nashville to show whether his vessel is a pirate or a licensed buccaneer, and also bring before the government here some other interesting questions.

* * * * *

I have the honor to be, &c., &c.,

F. H. MORSE, *Consul.*

Hon. WM. H. SEWARD,
Secretary of State.

Mr. Morse to Mr. Seward.

No. 39.] CONSULATE OF THE UNITED STATES OF AMERICA,
London, November 30, 1861.

SIR: I herewith enclose copies of certain papers, in continuation of further proceedings in the case of the corsair Nashville.

The first paper is the opinion of Dr. Deane and Sir Hugh Cairns, esteemed equal to any authorities in London on the questions involved. You will perceive by the report of Messrs. Oliverson, Lavie & Peachey that so far we have entirely failed to obtain any redress through the courts here, or to compel the captain of the Nashville to show under what authority he is acting. The production of Captain Pegram's commission as lieutenant in the rebel service seems to be taken as sufficient authority for his acts, while I have contended that his

commission is personal to himself, and without being detailed especially to the Nashville as a so-called Confederate ship; and she being put in commission, and her commander instructed to perform this particular service, she is not in public service, and not here by even the authority of the insurgents.

If she is not a public ship of the character claimed for her, and does not come commissioned as a privateer, it follows, of course, that she must be a piratical craft.

Having good reason to believe that she did not leave Charleston either as a privateer or public vessel, my leading object has been to force a production of the authority under which she sails, either through government intervention or by an action at law in some form. The government turns us over to the courts; the magistrates decline to interfere; and good and, so far as I can judge, faithful counsel tell me they do not see their way clear to get the question before any court, and fear we have no remedy in this country.

I had an interview with counsel to-day, and urged them to carefully review the ground and see whether there was not power enough in England, either executive, judicial, or military, to determine whether the Nashville is a piratical craft or a recognized ship of some established or belligerent power, saying that we charged her with being neither a privateer nor an armed ship-of-war coming from any power, recognized or belligerent, but a pirate.

The subject is still under advisement, though I have but little hope that a thing which appears so very simple and of such great importance will terminate favorably for us.

The Nashville is lying quietly at Southampton, undergoing no repairs, except such as her crew are making, and taking in no cargo. * * *

I have the honor, &c.,

F. H. MORSE, *Consul*.

Hon. WM. H. SEWARD,
Secretary of State.

CASE FOR THE ADVICE OF SIR H. CAIRNS AND DR. DEANE.

Sir Hugh Cairns and Dr. Deane will be so good as to consider the statement relating to the destruction of the American vessel the *Harvey Birch* by the *Nashville*, as it appears in the *Times* newspaper of this date, (November 22, 1861,) and the copy of the affidavit of Captain Nelson, herewith, and also the explanations of Captain Nelson in conference, and to advise Captain Nelson as to his legal rights against the *Nashville* and her commander, and generally as to the course which, under the circumstances, you would advise the captain to pursue.

Opinion of Sir H. Cairns and Dr. Deane.

It appears from the affidavit of Captain Nelson that the *Harvey Birch* was taken possession of and burnt on the high seas, outside the limit of British waters, and that the armed ship *Nashville* carried the flag of the Confederate States.

From the statement in the newspaper above referred to, the commander of the *Nashville* seems to have held a commission under the Confederate States and in the navy of those States.

The British government has considered the Federal and Confederate States entitled to be treated as belligerents, each possessed of the rights of war, one of which rights is the capture and destruction of vessels belonging to the enemy by the commissioned vessels of the belligerents.

If, therefore, the Nashville was a commissioned vessel belonging to the Confederate States, we are of opinion that Captain Nelson has no legal rights in this country against the Nashville or her commander.

The only course we can at present suggest is that Captain Nelson should apply for a search-warrant for the chronometer and barometer taken from the Harvey Birch; and if the officer who goes on board the Nashville is satisfied by the production of the ship's papers and the commander's commission that the Nashville is commissioned, he must withdraw, and no remedy remains here to which Captain Nelson can resort.

H. M. CAIRNS.

J. PARKER DEANE.

LINCOLN'S INN, *November 25, 1861.*

FREDERICK PLACE, E. C., *November 26, 1861.*

DEAR SIR: We beg to report to you the steps which have been taken on behalf of Captain Nelson, of the late American vessel the Harvey Birch, with the view of obtaining some redress for the destruction of his vessel by Captain Pegram, of the Nashville, now at Southampton.

Immediately the case was brought under our notice we had a consultation with those eminent counsel Sir Hugh Cairns and Dr. Deane, and the result of their advice is embodied in the written opinion which they have since given, the original of which we beg to enclose.

In pursuance of their advice, we attended with Captain Nelson before the lord mayor of London and applied for a search-warrant directed to Captain Pegram, who has still on board his vessel the barometer and other articles belonging to the owners of the Harvey Birch, together with the papers of that vessel, the primary object of this application being to compel the captain of the Nashville to produce the authority under which he is acting, so that it might be clearly seen whether or not the Nashville is a commissioned vessel belonging to the Confederate States; for, if that question be answered in the affirmative, it is considered that, as our government treats the Federal and Confederate States as alike entitled to be considered as belligerents, Captain Nelson would have no legal rights in this country against the Nashville or her commander.

The lord mayor of London, as we apprehended, considered that he had no jurisdiction, the Nashville being at Southampton, and the act having been committed altogether beyond his jurisdiction. He, however, acted with great kindness, and handed Captain Nelson a private note of introduction to the mayor of Southampton.

We then proceeded to Southampton with Captain Nelson and a discreet and experienced officer of the police force of this city, but in consequence of the absence of the mayor of Southampton and other magistrates the application could not be made until yesterday.

Yesterday the application was formally made to the magistrates of Southampton, but they felt the case to be one of so much delicacy that they declined to interfere without the sanction of the secretary of state.

This result being at once communicated to us by telegraph, we immediately addressed a letter to Earl Russell, soliciting his assistance.

Not having received any answer to this application, we this morning attended at the foreign office and had an interview with his lordship's secretary, who informed us that our application had been submitted to the law officers of the crown, and that immediately their advice was known we should receive an answer.

We think it very doubtful, indeed, that the government will interfere. We

should suggest that a careful watch should be kept upon the Nashville and her proceedings, so that if any attempt be made to deal with her, so as in any manner to infringe our foreign enlistment act, the law may be immediately brought to bear upon the offenders.

In our opinion, the government will not interfere in any way to assist the vessels of either the federalists or the Confederate States, but will leave them to be dealt with according to the ordinary rules of neutrality; and in case these should in any instance be overstepped, the offenders will be left to be dealt with according to the laws of England.

We are, dear sir, yours faithfully,

OLIVERSON, LAVIE & PEACHEY.

F. H. MORSE, Esq., *&c.*, *&c.*, *&c.*,
American Consul.

FREDERICK PLACE, E. C., *November 27, 1861.*

DEAR SIR: We beg to hand you a copy of our letter to Earl Russell, to which we have, at the present moment, no answer.

We do not consider that the circumstances mentioned to us by Mr. Stringer, in reference to the Nashville, will afford any means of obtaining redress in this country. The whole depends upon the question whether she is or not a vessel commissioned by the Confederate States. If she be, the captain and owners of the Harvey Birch are, we fear, without redress.

We are, dear sir, yours faithfully,

OLIVERSON, LAVIE & PEACHEY.

Consul MORSE, *&c.*, *&c.*, *&c.*

FREDERICK PLACE,
Old Jewry, E. C., November 25, 1861.

MY LORD: We have the honor to apply to you on behalf of Captain Nelson, late commander of the American vessel Harvey Birch, and on behalf of her owners, on the subject of their claim against the captain of the Nashville, the American vessel now in the Southampton docks, who recently destroyed the Harvey Birch under circumstances which will be known to your lordship.

The Nashville has now on board her certain property belonging to the owners of the destroyed vessel, and, acting under counsel's advice, an application has been this morning made to the magistrates at Southampton to issue a summons or warrant for service upon Captain Pegram, of the Nashville, calling upon him, by production of the authority under which he acts, or otherwise, to show cause why he should not deliver up to Captain Nelson the property belonging to the owners, which he withholds.

The magistrates at Southampton are desirous of having the authority of your lordship before they issue the summons or warrant applied for, and we beg, therefore, to request your lordship to be pleased at once to give the necessary directions for the purpose.

We have the honor to be, my lord, your lordship's very obedient servants,

OLIVERSON, LAVIE & PEACHEY.

Right Honorable Earl RUSSELL, *&c.*, *&c.*, *&c.*

FOREIGN OFFICE, *November 27, 1861.*

GENTLEMEN: I am directed by Earl Russell to acknowledge the receipt of your letter of the 25th instant, in which, as attorneys for Captain Nelson, the commander of the American vessel Harvey Birch, you request that his lordship will authorize the magistrates at Southampton to issue a warrant or summons for service upon Captain Pegram, commanding the ship-of-war Nashville under the flag of the so-styled Confederate States, calling upon him, by production of the authority under which he acts, to show cause why he should not deliver up to Captain Nelson the property belonging to his owners, which is alleged to be detained on board the Nashville.

Lord Russell directs me to inform you, in reply, that he has no jurisdiction or power to give authority to the magistrates either to issue any summons or warrant, or to do or abstain from doing anything in relation to the matter in question, and that his lordship must accordingly decline to interfere therein.

I am, gentlemen, your most obedient, humble servant,

A. H. LAYARD.

MESSRS. OLIVERSON, LAVIE & PEACHEY,
8 *Frederick Place, Old Jewry.*

Mr. Morse to Mr. Seward.

No. 44.]

CONSULATE OF THE UNITED STATES OF AMERICA,
London, December 7, 1861.

SIR: As I anticipated, our efforts to make the Nashville show the authority under which she sails and destroys American ships have proved fruitless. Our legal advisers informed me last evening that nothing more could be done here.

It has not yet been ascertained whether she is a privateer, a Confederate ship put in commission by the insurgents, or a pirate.

We charge her with being a pirate, even judged by the laws of this realm, and the charge has not been disproved, unless the officer's commission in the "Confederate" navy commissions everything he goes on board of. * * *

I have the honor to be, &c.,

F. H. MORSE, *Consul.*

Hon. W. M. H. SEWARD, *Secretary of State.*

Mr. Morse to Mr. Seward.

No. 46.]

CONSULATE OF THE UNITED STATES,
London, December 20, 1861.

SIR: I herewith forward the affidavit of Frederick Williams, who was one of the cooks of the Confederate steamer Nashville. He is an unusually intelligent and well-behaved seaman, and seems very much gratified to get clear of the craft.

You will notice what he says about the interview between Captain Pegram and the governor of Bermuda, in which the captain denied that the Nashville was either a privateer or a Confederate ship. * * *

I have the honor to be, &c.,

F. H. MORSE, *Consul.*

Hon. W. M. H. SEWARD, *Secretary of State.*

Affidavit.

I, Frederick Williams, of Boston, in the State of Massachusetts, United States of America, ship's cook and steward, do solemnly swear that I sailed from the port of New York in the month of November, 1860, in the ship Mackinaw, of Charleston, South Carolina, Captain William Hammer, bound to Liverpool; arrived at Liverpool about 24th of December, and remained there until the latter end of February or the commencement of March, when I again sailed in the ship for Charleston with a cargo of coal, and arrived at Charleston about the 8th or 9th of April, a few days before Fort Sumter was bombarded. I was then discharged, and remained in Charleston until the 25th day of September, on which day I shipped at Black's shipping office as second cook of the steamer Nashville, of Charleston, for a voyage to England, and one, two, or three other foreign ports, and back to Charleston, and on the same day I went on board the vessel, which was then lying alongside the New York steamboat dock, where she usually lay. Captain Murray, her usual captain, still had charge of her; nearly all the crew were then on board, being at work cleaning the vessel and putting her in order, as she had been laid up five or six months. About a week or ten days after I joined fourteen or fifteen naval officers came on board with their luggage. I was told they were going as passengers to England to take command (when they arrived) of vessels-of-war that were fitting out in England for the *Confederate States*. After this time I (having just got my clothes on board) was not allowed to communicate with the shore, nor were any of the crew permitted to do so. I asked Captain Murray to let me go ashore. He replied that he had nothing more to say on board the vessel now than I had, and told me to go to one of the naval officers. Between their coming on board and the vessel sailing about three weeks elapsed, and in this time two rifled cannon were brought on board and placed forward. Messrs. Slidell and Mason, and their families and baggage, came on board, and I understood that they were going as passengers; but they afterwards left the vessel. During all this time a small steamer went out of the harbor daily to determine the exact position of the United States blockading squadron, and this information was communicated to the officers. One night, in the latter end of October, steam was got up, and the Nashville steamed out of port, great precautions being used to avoid the blockading vessels. Three and a-half days afterwards we arrived at Bermuda, and came to anchor, the vessel flying the Confederate States flag and a pennant at the main. The governor of Bermuda came on board the ship, and saw Captain Pegram and his officers; and I heard Captain Pegram tell the governor, as they walked along the deck with the first lieutenant, "You must understand, governor, that this is not a navy vessel; if she were we should have arms and regulations accordingly; she is strictly a merchant vessel." The governor had previously intimated that if she were not strictly a merchantman she would not be permitted to coal. The ship was in want of coal, as she had come out of Charleston light to enable her to get more readily over the bar. Upon this guarantee of Captain Pegram that she was a merchant ship, the Nashville was allowed to coal, and about four or five hundred tons were taken on board. Not being permitted to go ashore, I wrote a letter of complaint to the American consul, and sent it ashore by a laborer. I received no reply, but on the following day the first lieutenant appeared to have heard of it, and called me. He said to me: "You scoundrel, you have been communicating with the enemy; you have forfeited your life, and you will be hanged at the yard-arm." I was then put in irons, and placed in the hold amongst the coal, and I remained in irons three days. When I was liberated we were out of sight of land. I was then sent forward until about the 15th of November, when I was again sent to the galley. On the morning of the 19th of November

we fell in with an American ship, which was found to be the Harvey Birch, of New York, Nelson master, from Havre to New York, in ballast. The gangways in way of guns were removed, muskets were served out, and the officers buckled on their swords, and the flag of the so-called Confederate States was set; the Nashville then ran alongside the Harvey Birch, ordered her to heave to, ordered the captain on board, and ultimately took the whole crew out of her, and, after the second lieutenant's boat left, I saw that the ship was on fire. The crew of the Harvey Birch, excepting the officers, were put in irons, and kept in irons until they arrived in Southampton, where they were liberated and allowed to go ashore; but I was not permitted to leave the vessel, and, finding that I had been deceived, I deserted from her. In Charleston, after the officers came on board, the purser produced new shipping articles, which the crew were compelled to sign, as they knew they would be in danger if they did not. The baggage of Slidell and Mason was taken out of the Nashville directly before the steamer Theodore left Charleston, which vessel left twelve or fourteen days before the Nashville; and it was known in Charleston, before the Nashville sailed, that the Theodore had arrived safely at Havana with Slidell and Mason on board.

FREDERICK WILLIAMS.

Sworn before me in the consulate of the United States, at London, this 19th day of December, 1861.

[L. s.]

F. H. MORSE, *Consul*.

Mr. Sprague to Mr. Seward.

No. 1.]

CONSULATE OF THE UNITED STATES,

Gibraltar, January 6, 1862.

SIR: The following private telegram, dated Cadiz, yesterday morning, (9.40,) was last evening received by a commercial house in this city:

"Cruza por estas aguas un vapor Americano del sur;" and I immediately telegraphed our minister at London, requesting him to transmit this information to your excellency without delay. I have also telegraphed our legations at Paris and Madrid, giving the same information to our consulates at Malaga, Barcelona, Marseilles, and Tangier, pointing out at the same time to our consul for Morocco the importance of showing great vigilance to prevent the Morocco soil from being made use of to facilitate any piratical acts on the part of southern privateers.

If the substance of the telegram from Cadiz should prove correct, I fear some of our merchant vessels may yet fall a prey to the rebel cruiser, and I cannot too strongly state the importance that these waters should be favored with the presence of an armed federal cruiser for the protection of our commerce now so seriously threatened by a single rebel vessel.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE,

United States Consul.

The Hon. SECRETARY OF STATE,

Of the United States of America, &c., &c., &c.

Mr. F. W. Seward to Mr. Sprague.

DEPARTMENT OF STATE,
Washington, February 1, 1862.

SIR: Your No. 1 has been received, and referred to the Secretary of the Navy. You will accept the acknowledgments of the department for the information which you have communicated.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

H. J. SPRAGUE, Esq.,
United States Consul, Gibraltar.

Mr. Sprague to Mr. Seward.

No. 3.] CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, January 25, 1862.

SIR: Ere this reaches your department your excellency will have been informed, through our legations at London and Madrid, of the appearance in this port, since the night of the 18th instant, of the steamer Sumter, and of her exploits at a short distance from this rock.

From the moment of her arrival within the jurisdiction of this consulate I lost no time in placing myself in communication with the authorities at this port and its vicinity, as well as with our minister at London, on the subject of this unwelcome visitor, and I now have the honor of waiting upon your excellency with copies* of all the correspondence that has so far transpired on account of this rebel cruiser.

Up to this hour (9 p. m.) the Sumter remains quiet in port; has not yet coaled, and the general impression seems to be that she will not be ready for sea for some days to come; still, I shall not feel easy for the safety of our merchant vessels out of gunshot distance of this fortress until federal armed cruisers make their appearance in these waters.

I am, sir, with high consideration and respect, your obedient servant,
HORATIO J. SPRAGUE,
United States Consul.

The Hon. SECRETARY OF STATE
Of the United States of America, &c., &c., &c.

Mr. F. W. Seward to Mr. Sprague.

DEPARTMENT OF STATE,
Washington, February 13, 1862.

SIR: Your despatch No. 3, enclosing your correspondence in regard to the arrival at Gibraltar of the rebel steamer Sumter, has been received.

The department takes pleasure in commending the prudence, discretion, and good judgment which have marked your proceedings throughout. You will

*See despatch No. 108 from Mr. Adams for enclosures referred to here.

accept the thanks of the department for the great care you have taken for the protection of American interests, and to prevent the further capture of vessels of the United States by the steamer of the insurgents.

It is expected that armed vessels of the United States will soon be in the Mediterranean, and the capture of the steamer may then be soon expected to take place.

It gives the department pleasure to enclose a slip cut from one of the newspapers, by which you will perceive that your good conduct has been duly appreciated.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HORATIO J. SPRAGUE, Esq.,
United States Consul, Gibraltar.

Mr. Sprague to Mr. Seward.

No. 5.]

CONSULATE OF THE UNITED STATES,
Gibraltar, February 7, 1862.

SIR: I have the honor to enclose copy of a communication which I had occasion yesterday to address to our minister at London. It will inform your excellency of the latest movements of the steamer Sumter. Up to this hour (9 a. m.) she remains in port, and has not yet received a pound of coal.

The seamen who refused returning on board the Sumter yesterday are still on shore.

I am, sir, respectfully, your obedient servant,

HORATIO J. SPRAGUE.
United States Consul.

The Hon. SECRETARY OF STATE
Of the United States of America, Washington.

CONSULATE OF THE UNITED STATES,
Gibraltar, February 6, 1862.

SIR: I annex copy of two telegrams which I had the honor to forward to you since my last communication of the 25th ultimo.

The Sumter remains in port. She took in yesterday 3,000 gallons of water, paid for by a Mr. R. O. Joyce, of this city, who had previously provided her with an anchor and chain. To-day her commander made a second attempt to obtain coal from the coal merchants in this market, and I am informed they have declined supplying him, out of deference to myself.

On the 1st instant the P. and O. steamer Mooltan, from Southampton, brought several packages of clothing for the crew of the Sumter, addressed to Captain Semmes, and I hear a further supply is expected by the next Southampton packet due on the 9th instant. The packages per Mooltan were forwarded by a Mr. S. S. Sampson, of Southampton, I believe, a forwarding agent.

Since yesterday there are some ten or twelve seamen of the Sumter on shore, and to-day they have nearly all refused to return to their ship. One of them, in a drunken state, called upon me this day for protection. As the officers of the Sumter have attempted to forcibly ship them off from the quay, I to-

day called upon the governor of this fortress to inform him of the circumstance; that I was ready to take under my charge any of these seamen who might wish to avail of my protection, and who would swear allegiance to the government of the United States; and that I did not believe that it would be in conformity with strict neutrality to force these men on board of the Sumter.

Since my interview with the governor I hear that orders have been given to the police authorities not to permit these men to be forcibly taken on board of the "Sumter" by her officers, and up to this hour (7 p. m.) they remain on shore, mostly in a state of intoxication.

All these circumstances may probably retard the departure of the Sumter from this port; still I sincerely hope that a federal cruiser may soon appear to do away with any further trouble about this craft. I have every reason to believe that her boilers are defective, and that she is very badly provided with powder and other munitions of war.

I have the honor to be, &c.,

HORATIO J. SPRAGUE,
United States Consul.

His Excellency the ENVOY EXTRAORDINARY AND MINISTER
PLENIPOTENTIARY of the *United States of America, &c., &c., London.*

Mr. Sprague to Mr. Seward.

No. 6.]

CONSULATE OF THE UNITED STATES,
Gibraltar, February 18, 1862.

SIR: On the 13th instant I informed the Navy Department of the safe arrival at this port, on the previous day, of the United States steamer Tuscarora. This vessel-of-war is now anchored off Algeceiras, where she is coaling, while the steamer Sumter remains at this port and has not yet coaled.

For the information of your excellency, I have the honor of transmitting, herewith, copies of further correspondence that has come to pass with this consulate since I addressed you on the 7th instant, relating to the Sumter and some of her crew, to which I beg, respectfully, to crave your reference.

Remaining, sir, with high consideration and respect, your obedient servant,

HORATIO J. SPRAGUE,
United States Consul.

CONSULATE OF THE UNITED STATES,
Gibraltar, February 12, 1862.

SIR: I this day telegraphed to your excellency the safe arrival at this port of the United States steamer Tuscarora. Captain Craven informed me that he saw nothing of the steamer Nashville during his voyage across the Bay of Biscay.

He finds here the steamer Sumter still at anchor, notwithstanding that Earl Russell's official despatch to the lord commissioners of the admiralty respecting the rules laid down about United States ships-of-war and southern cruisers was published last evening in the government newspaper. Captain Craven intends to cross over to the port of Algeceiras, probably to-morrow evening, and will, if possible, replenish his stock of coal there. The private coal companies in this market still refusing to sell the Sumter any coal, Captain Semmes has applied

[Extract.]

Protest of William Bailey, master of ship Golden Packet, of Bangor, burnt at sea off the Isle of Pines by order of the commander of the rebel steamer Sumter.

Sailed from Havana, morning of the 28th June, in ballast, for Cienfuegos to load there, under charter party, with Don José Fonts, a Spaniard, for Europe.

When about twelve miles W.N.W. of the Isle of Pines, at about 5.30 p. m., an armed steamer wearing American colors fired a shot across the ship's bow as a signal to heave to, which was done; an armed boat's crew boarded the ship and ordered the master to go with them in their boat on board the steamer; the master proceeded in the boat on board the steamer; she had the American colors at her peak when he reached her; he was ordered into the cabin of the commander, who demanded his ship's papers, and after examining them awhile, told him that the ship was a prize to the Confederate States steamer Sumter; and being asked what disposition he was going to make of the ship, replied he should burn her, not having any port to take her into. The commander, named Semmes, ordered him to return to the ship, bring away the remainder of the ship's papers, the crew and their luggage. That when he left the steamer, then the American flag was hauled down and the colors of the so-called Confederate States hoisted; that the ship was stripped by the captors of all spare sails and rigging, all her stores, and everything of value that could be easily taken away, after which they set her on fire; that he, the master, his officers and crew were taken on board the steamer, which then proceeded on her way, leaving the ship a mass of flames; that they were taken by the steamer Sumter into the port of Cienfuegos, where they arrived on the 6th in the afternoon and landed on the 7th; that the steamer then had seven prizes in charge of American vessels, six of which were sent into Cienfuegos and the other remained outside.

* * * * *

Mr. Seward to Mr. Shufeldt.

DEPARTMENT OF STATE,
Washington, July 29, 1861.

SIR: Your despatch, No. 48, dated July 17, 1861, has been received.

Before this time the royal edict of the Spanish government will have been received at Havana, and I do not allow myself to doubt that the vessels taken into Cienfuegos by the privateers will have been discharged by the captain general, although the Spanish minister plenipotentiary has not, as I thought he ought to do, taken the responsibility of recommending such a course under the circumstances.

The subject has already gone before the Spanish government for its decision in the premises. A delay in its action, however, would be deeply injurious. I desire you, therefore, to make the most strenuous efforts to procure the release of the vessels in question, while I shall spare no effort to obtain a guarantee from the Spanish government against a renewal of such occurrences.

Your own course in the matter is very satisfactory.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

R. W. SHUFELDT, Esq.,
United States Consul General, Havana.

Mr. Shufeldt to Mr. Seward.

[Despatch No. 48.]

UNITED STATES CONSULATE GENERAL,
Havana, August 1, 1861.

SIR: I have the honor to inform you that I received on the 28th ultimo a communication from his excellency the captain general of Cuba, in which he says that, in consequence of the investigations made by the authorities of Cienfuegos concerning the capture of the American vessels by the steamer Sumter, he has determined to release them unconditionally, and that the order had been given to that effect.

I have since been informed that these vessels have all sailed from Cienfuegos in convoy of the steamer Crusader.

I have the honor to be, with great respect,

R. W. SHUFELDT, *Consul General.*

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Savage.

DEPARTMENT OF STATE,
Washington, September 30, 1861.

SIR: Your despatch of September 17, No. 61, has been received. I wait impatiently to hear from Mr. Russell, at Trinidad, the facts in relation to the reported visit of the privateer Sumter at that port.

Instructions will be given to the marshal at New York to bring to punishment, if possible, the owners of the Tocoa.

Your vigilance and diligence are highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS SAVAGE, Esq.,
United States Vice-consul General, Havana.

Mr. Kookon to Mr. Seward.

No. 5.] CONSULATE OF THE UNITED STATES OF AMERICA,
Trinidad de Cuba, July 19, 1861.

SIR: The consul general at Havana has already forwarded to the department the notes of protest made by the masters of the six American vessels which were taken by the pirate Sumter and brought into the harbor of Cienfuegos on the 6th instant.

Chas. D. Fowler, esq., United States consular agent, at once informed me by telegraph of the arrival of the Sumter and the six vessels. I instantly replied, requesting the lieutenant governor to detain the vessels in port and to liberate our people on board from the power of the pirate. His excellency promptly complied with my request.

By the first opportunity I went to Cienfuegos, had a long interview with the governor, who expressed the hope that the captain general would at once restore these vessels to their respective owners. I was urged on all sides to go to

Havana in order to secure the release of these vessels. I went, but on my arrival learned, to my regret, that the captain general and consul general had already referred the question to Washington for settlement.

I returned to Cienfuegos and informed the lieutenant governor that I would not permit my countrymen to be exposed to the ravages of yellow fever in this sickly season of the year; that if these vessels were not permitted to proceed on their voyage, they would be abandoned to the Spanish authorities under protest, and I would take the responsibility to send my countrymen home.

His excellency seemed to be deeply impressed that the vessels ought to be released, but had no power to act in the case. He wrote a very forcible letter to the captain general, urging the release of the vessels without delay. On the 17th instant I asked the usual fort pass to enable these vessels to proceed to sea. On the evening of the same day, the governor called to inform me that he had received a telegraphic despatch from the captain general saying that as soon as he learned that there were American war vessels in these waters, he liberated these vessels that they might safely proceed on their voyage. I thanked his excellency, expressed the hope that the Sumter would receive no further favors in way of coal, water, &c., in the ports of this island. He assured me that the Sumter and similar vessels would not be permitted to enter the ports of this island again.

I have not been able to learn upon what principle these vessels were detained, but I do know that the Spanish authorities were exceedingly anxious to get clear of them.

On the 15th instant the Niagara and Crusader made their appearance off Cienfuegos. The Niagara is worth more than all your consuls in this island.

I am, sir, your obedient servant,

JOHN R. KOOKEN.

Hon. WM. H. SEWARD,
Secretary of State, Washington.

Mr. Little to Mr. Seward.

[Extract.]

No. 10.]

UNITED STATES CONSULATE,
Barcelona, February 10, 1862.

SIR: I have the honor to inform you that since my despatch No. 9, nothing of importance has occurred within my consular district. I have carefully watched the movements of the Sumter, as reported in the official gazette, "El Diario de Barcelona," but as the news has been so contradictory from day to day, and having received but one communication from the legation at Madrid on this subject, I have at times been unable to furnish information to our captains as accurate as I wished to have done.

* * * * *

I am, sir, most respectfully, your obedient servant,

JOHN ALBRO LITTLE,
United States Consul.

Hon. WM. H. SEWARD,
Secretary of State.

PORTUGAL.

Mr. Dabney to Mr. Seward.

No. 2.]

CONSULATE UNITED STATES OF AMERICA, (AZORES,)

Fayal, February 28, 1862.

SIR: I have the honor to enclose copies of my correspondence in regard to the secession steamer *Anna Child*, Hammar, master, and to inform you that, having heard that she had a small carriage gun on her forecastle, I made known the circumstance to our civil governor, and he has kindly assured me that he will use his endeavors to obtain all possible information in relation to her armament and equipage.

This vessel having received countenance from Messrs. Dart and Lane, and obtained coal, will probably be the prelude to others bearing that flag, and I beg leave to submit for your consideration the expediency of having a United States vessel occasionally appear here.

With the highest consideration and respect, I am, sir, your most obedient,
CHAS. W. DABNEY.

HON. WM. H. SEWARD,

Secretary of State, &c., &c.

CONSULATE OF THE UNITED STATES, (AZORES,)

Fayal, February 28, 1862.

SIR: I have the honor to inform you that the secession steamer *Anna Child*, Captain Hammar, put in here on Sunday, the 23d instant, said to be from North Carolina, (the first report was from Charleston,) bound to Liverpool, with a cargo of cotton and naval stores, and that the object of her coming here was to procure coal. The English West India Steam Company have a depot here for the supply of their own vessels. The Lisbon Steam Company also have a depot, from which none has ever been taken but for their own vessels. I am the only person here who has a depot, and always have had since the commencement of steam navigation, for general supply; consequently I felt sure that the "A. C." would have to go elsewhere to get coal. The vessel was placed under quarantine for three days, and having heard that the captain had addressed himself to Mr. Dart, her Britannic Majesty's vice-consul, I called on him, and recommended him, in a friendly manner, not to accept the consignment. He told me that he had declined it, and had recommended his friend, Mr. Lane, (who is consular agent for his Majesty the King of Holland, for the Hanseatic Cities, and agent for Lloyd's Insurance Company,) who was then present, and who had undertaken the management of the steamer's business. I recommended him to consider how such an act might be viewed by the parties he represented, as I was bound to represent the facts of the case.

Having heard that they had applied to the agent of the Lisbon Steam Company, I called on him. He was in the country. When he came to town he came to see me; and for some time (two days) I had hopes that he would not yield; but the temptation of seventy shillings sterling prevailed.

I have it from good authority that Captain Hammar wrote to Mr. Dart that "he must have English papers." I fear that the expedient will be used by many.

Having been informed that the "A. C." had a small carriage gun on the forecastle, I applied to the governor to make inquiry respecting "her nature." The captain of the port was officially addressed, and his excellency had the kindness to call on me and showed me his report. From that it appeared that she stands in the name of John P. Lafitte, of Charleston, laden as before stated; has twenty-seven persons attached to her, and five passengers, and that there was no other indication of armament.

I fear that this will not reach you in time to enable you to take any measures for her capture.

With great consideration, &c., &c., &c.

C. W. DABNEY.

His Excellency C. F. ADAMS, &c., &c., &c.

BRAZIL.

Mr. McGrath to Mr. Seward.

No. 3.]

CONSULATE OF THE UNITED STATES,
Maranhão, (Brazil,) September 15, 1861.

SIR: I have the honor of transmitting to the Department of State the enclosed copy of the *protest*, made on the 7th of current month, against permission being granted to the privateer *Sumter* (which entered this port on the evening of the 6th) to coal and procure supplies.

I regret to state that, notwithstanding the strongest official and personal representations were made to the governor, he finally, after two days' delay, gave his consent for the coaling of the steamer.

I had anticipated that my protest would be successful, its wording being founded on the fact that Brazil had not as yet taken any public position on the question. You will please observe that I have stated in my protest that if the *Sumter* were allowed to obtain coal, it would be viewed as a "breach of neutrality," on the ground that the Brazilian government had relations with the Federal government only, and had not, up to the date of my protest, by any proclamation declared her neutrality or given to the Confederate States the rights of belligerents. It appears, however, from the reply of the governor to my protest, (a translation of which I enclose,) that although the imperial government had made no proclamation on American affairs, it *had sent private instructions* to the governors of the different provinces to pursue a neutral course with regard to both parties.

My allusion to the course adopted by the European powers, and causing the immediate departure of the *Sumter*, was based on the reported refusal of England to permit such vessels to enter her ports, and France allowing them to remain twenty-four hours only. Unfortunately the proclamations of these two nations were not at hand to refer to.

The commander of the *Sumter*, (R. Semmes,) in his interview with the governor, produced the proclamations made by the different European governments, together with the replies made to the consular protests by the governors of the various ports where he had obtained supplies of coal. All of these documents were translated by order of the governor, and contributed very much to sustain him with regard to the position he took in reference to my protest.

One of the first acts of Captain Semmes, of the *Sumter*, was to prove to the satisfaction of this government that he was a regularly constituted "man-of-war," having the proper commission and instructions from his government; this being accomplished, he received at once all the consideration accorded to a regular armed vessel-of-war. This was done, notwithstanding his claim to the distinction was strenuously denied on the ground that a government without a nationality, a recognized flag, or a single received official representative abroad, could not inaugurate what is known as a "man-of-war."

The offer of Captain Semmes to salute the Brazilian flag was declined for the reason that the salute could not be returned without acknowledging the confederate flag, which, as yet, the Brazilian governor was not prepared to do.

The course which the governor pursued relative to the coaling of this steamer is not favorably considered by a majority of the people of this port. Much opposition was made to it in the provisional assembly, and a resolution asking

of the governor his reasons for the course he adopted, and why he permitted an unrecognized flag to fly in the port, was lost by a few votes only. Nevertheless, the Sumter found very many warm sympathizers and active friends in Maranhão, many believing that they are fighting the great battle of slavery. I should not be at all surprised if she would return to this port for coal and supplies *after making a cruise in the course of the East India traders, which her commander privately stated as being his intention.*

You cannot imagine the effect which the presence of the Sumter on this coast has had upon the American trade. It is quite possible that it will be entirely suspended. Already several cargoes ordered a short time previous have been countermanded. The presence of one or two efficient steamers-of-war is indispensable for the restoration of confidence.

The Sumter, up to the date of her entrance into this port, has taken eleven prizes; has been at the Island of Trinidad, Paramaribo, in Surinam, and finally Maranhão, where she obtained one hundred (100) tons of coal, paying \$20 per ton, it being scarce at the time; this, with the 150 tons on board, would make an ample supply for ten or fifteen days' constant running. The Sumter is bark-rig and sails well; is armed with four (4) rifled and one ten-inch columbiad pivot gun, with a compliment of near two hundred men.

This steamer is thoroughly armed and equipped, and has an able and determined commander, who will succeed in taking, or driving off, or running away from any small or inefficiently armed vessel that may be sent against him. Under favorable circumstances, the Sumter makes fourteen knots per hour. In my opinion, it would not be prudent to send any vessel against her of smaller capacity than the Brooklyn. In case this vessel should run into the Pacific, it would be well *for some of the Pacific squadron to meet her before she reaches Valparaiso.* In my opinion, it is equally, if not more *important that two efficient steamers should cruise near Cape Town,* in the course of the East India traders.

I perceive that I neglected to mention in the first part of my despatch that before the Sumter anchored in this port her commander sent an officer to the governor to ask permission for the same, which being granted, the vessel was brought up in front of the city to a convenient location for coaling.

I have to call the attention of your excellency to the latter part of the governor's despatch, where he states that "it was necessary that the said steamer had entered this port with prizes *as a privateer*, (en qualidade do Corsario,) in such a case she could only remain twenty-four hours." Is it not fair to infer from this statement that in her recognized character as a "man-of-war" she could enter with prizes and remain as long as her commander might desire? It is possible that your excellency may consider that this point requires explanation from the imperial government.

I also understand from the *most reliable* authority that the commander of the Sumter stated that the governor had given his word of honor that should he, upon leaving this port, capture the brig Maria, of New York, (hourly expected,) and whose cargo is neutral, belonging to a Portuguese resident, and send her into Maranhão to have her cargo delivered to the owner, he, the governor, would return the Maria to a certain point agreed upon, where the captain of the Sumter would obtain her.

Would such a course, in the opinion of your excellency, be in accordance with that strict neutrality which the governor states the imperial government has so warmly recommended to him?

Being, as Brazil from its location and sympathies is, destined to supply and furnish ports of security for the privateers of the southern States, I hope your excellency will see proper to have the position and course of this country relative to American affairs distinctly understood.

The Sumter remained in this port nine days, entering on the 6th and

leaving on the 15th instant, and, as her commander stated, (excepting coal,) with three months' supplies.

I am perfectly well aware that the enclosed protest contains objectionable features; but they were introduced intentionally, with the hope that, from the unprepared and unadvised state of the provisional government, I might gain the object of the protest; but during the interval of its presentation and reply by the governor he was sufficiently well instructed to decline acceding to its demands. I have the assurances of a high official that for some time after the reception of the protest the government was quite at a loss to know what course to pursue. If the Sumter had entered this port as a privateer, and not in the character of a "man-of-war," the governor would have found more difficulty in deciding upon a course of policy.

September 25.—I have the pleasure of announcing the arrival at this port of the United States steamer Powhatan, Captain Porter, nine days from Surinam, in quest of the steamer Sumter. The Powhatan will leave as soon as she has coaled. The Powhatan entered on the 21st.

I have the honor to be, sir, your obedient servant,

W. H. McGRATH, *Consul.*

Hon. W. H. SEWARD,

Secretary of State, Washington, D. C.

Mr. McGrath to Governor Aguiar.

COPY OF PROTEST.

MARANHAM, *September 7, 1861.*

I have the honor of calling your excellency's attention to the arrival at this port of the steamer Sumter, under a flag not recognized by this or any other government, and as this same steamer has for the last three months been capturing and destroying the vessels and cargoes of American citizens, and has entered this port to obtain supplies of coal, &c., to continue the same, in the name of the government of the United States I *protest* against permission being granted for this object.

I feel it to be my duty to inform your excellency that if permitted to obtain such supplies, it will be viewed as a breach of neutrality and most unfriendly act by the government of the United States. I hope that, in view of these circumstances, and more particularly the kind and amicable relations that have existed for so many years between Brazil and the United States, and the course adopted by the great European nations with regard to the same question, that your excellency will cause the immediate departure of this steamer.

I have also to inform your excellency that by the latest intelligence the Sumter has already taken, as prizes, five vessels into Cienfuegos.

W. H. McGRATH, *Consul.*

His Excellency F. P. DE SOUSA AGUIAR,

Governor of Maranhão.

Governor Aguiar to Mr. McGrath.

[Translation.]

PALACE OF THE GOVERNOR OF MARANHAM,

September 13, 1861.

In the despatch of the 7th of the current month, which W. H. McGrath, consul of the United States of North America, addressed me, calling my atten-

tion to there having entered the port of this capital the steamer *Sunter* under a flag not recognized by this or any other government; also observing that during the last three months this same steamer has been capturing and destroying the vessels and cargoes belonging to the United States of America, and protesting against permission being granted for the coaling of this steamer, for the reason that the government of the United States would consider it as a breach of neutrality and most unfriendly act on the part of the Brazilian government.

And Mr. Consul further declares that, in view of these circumstances and the friendly relations that has existed for so many years between Brazil and the United States, he hopes that the governor will cause the immediate departure of this vessel, as the great nations of Europe have done under similar circumstances, and concludes by informing me that by the latest intelligence this same steamer had taken several prizes belonging to North Americans into Cienfuegos.

To be able to answer, Mr. Consul, it was necessary for me, as I mentioned in my despatch of the 8th instant, to make the necessary inquiries, according to the instructions of the imperial government in regard to the character of the said steamer, and, enabled by the information given to me by the chief of police, as auditor of the navy I answer your communication.

Though the States which declared themselves a constituted and a separate confederation have no recognized existence, nevertheless they have constituted themselves a distinct government, by which that of Brazil cannot consider it in the light of piracy their having armed vessels, nor can she deny them the necessary supplies, with proper restrictions, in their character as belligerents.

As the steamer *Sunter* is in such a position, (belligerent,) and the Brazilian government being obliged to maintain the strictest neutrality during the war which so unhappily exists between those States, she must abstain from all participation and assistance in favor of either of the belligerents, and cannot take a part in acts which might be considered as hostile to either party, and in violation of the duties of a neutral.

On this account no vessel of either party employed in this war or arming for it can be supplied in the ports of the empire with munitions of war, but supplies of coal and provisions for the continuance of the voyage cannot be denied. For this reason the reclamation which Mr. Consul made in regard to the supplies of coal cannot be acceded to, and a refusal to grant these supplies would be a violation of the neutrality so much recommended by the imperial government. In regard to the immediate departure of this steamer *Sunter* from this port, I must say to Mr. Consul, in order that this step should be taken, it was necessary that the said steamer had entered this port *with prizes as a privateer*. In such a case she could only remain twenty-four hours. By the information I have obtained, I learn that this vessel is not in such a position, and it would certainly be an improper act on the part of Brazil, and against its character as a neutral, to comply with the requisition of Mr. Consul.

I assure Mr. Consul that the neutrality of this province in relation to the United States of America, which are in war, will be strictly maintained according to the instructions of the imperial government.

In view of the above remarks, it is my opinion that the protest of Mr. Consul has not sufficient basis for me to accede to it.

I profit by the occasion to renew to W. H. McGrath, consul of the United States of North America, the expressions of my perfect esteem and distinguished consideration.

FRANCISCO PRIMO DE SOUSA AGUIAR.

Mr. W. H. McGRATH,

United States Consul, Maranhão.

NETHERLANDS.

Mr. Jesurun to Mr. Seward.

[Duplicate.]

No. 5.]

UNITED STATES CONSULATE,
Curaçao, July 19, 1861.

SIR: It becomes my duty to inform you that on the 17th instant the steamer Sumter, Captain Raphael Semmes, arrived at this port, bearing the flag of the Confederate States.

I will also give you all the particulars that I have ascertained concerning this vessel, and also of the manner she was admitted here.

On the 29th of June she left New Orleans, and having been chased by the steamer Brooklyn, she managed to run away from her and got to sea. Since then she captured seven American merchant vessels, one of which was burnt at sea, (the Golden Rocket,) and the others were taken to Cienfuegos de Cuba and sold there, together with their cargoes. The crews were delivered to the American consul to be sent home.

This steamer is very well armed. She carries five guns; a pivot gun of 64 pounds and four side guns of 32 each, besides a large supply of small arms, such as cutlasses, revolvers, hatchets, rifles, &c. She carries 130 men.

The foregoing information has been transmitted to me by a friend who paid a visit to the steamer and had a conversation with the officers.

The steamer Sumter hove in sight off this port on the evening of the 16th instant, and fired a gun for the pilot, who immediately took to sea. On reaching her the steamer hoisted the confederate flag, and, the same being unknown here, the pilot told the captain that he had to report to the governor before taking the vessel into port; this report was replied by the governor to the captain that, according to orders from the supreme government, he could not admit into this port privateers, nor their prizes, but in case of distress, and therefore the steamer could not be admitted before her character was perfectly known.

In reply to this message the captain of the steamer remained outside of the port until the next morning, when he sent a despatch to the governor by an officer, stating that his vessel being a duly commissioned man-of-war of the Confederate States, he desired to enter this port for a few days. The colonial court assembled the same morning, and on the ground of the declaration and assurance of Captain Semmes in his despatch that the steamer is not a privateer, it was decided that she could enter this port.

As soon as the steamer was admitted I wrote a despatch to the governor, in compliance with my duty as consul of the United States at this port, and the next day I received an answer; of both documents I beg to enclose copies herewith, and hope the department will approve the course taken by me.

The steamer Sumter intends taking on board, on the 22d instant, 115 ton of coals, purchased at \$14 per ton, and it is reported that she will again proceed to sea to cruise in the Mona passage, but the day of sailing is not yet fixed upon.

I have given notice to the consuls of St. Thomas, Havana, and Venezuela,

of the presence of the steamer here, so that they may guard masters of vessels of the dangers awaiting them in these waters.

It is reported that the steamer *Sunter* intends returning again to this port, as soon as she requires another supply of coals, and I beg to state that should this vessel remain in these waters it will cause detriment to the commerce of this place and the United States, as no American vessel will be able to reach this port.

A man-of-war stationed in this vicinity, or at this port, will do much good, and I am of opinion that she may easily be captured by one of our vessels, and I shall be very happy to have a man-of-war here, if one could be spared from home.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN,

United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

No. 1.]

UNITED STATES CONSULATE,

Curaçao, July 18, 1861.

HONORABLE SIR: Complying with my duty as accredited consul of the United States of America in this island, I respectfully beg leave to state that I find myself placed in a very difficult position through the admittance at this port of an armed steamer bearing the flag of the rebellious States, which the United States government is now, with the greatest energy, trying to bring back to submission; a vessel which, according to the declaration of the government of the United States, must be considered and treated as a pirate. And as the said steamer, on her way from New Orleans to this port, has taken and sent for sale to the Spanish island of Cuba (according to the report of her own officers) several American merchant vessels, I reckon it my peremptory duty to inform the United States government of her presence in these waters, and to warn the commerce of Puerto Cabello, La Guayra, St. Thomas, &c., where American vessels may be, of the danger they are running; and in order to be enabled to do so, and to cover my responsibility, I respectfully request from your excellency to be informed under what pretext and considerations the said steamer has asked and obtained admittance to this port.

I embrace this opportunity to offer to your excellency the assurance of my high respect.

MOSES JESURUN,

Consul of the United States of America.

His Excellency the GOVERNOR OF CURAÇAO and dependencies.

[Translation.]

GOVERNMENT OF CURAÇAO AND ITS DEPENDENCIES.

No. 197.]

CURAÇAO, July 19, 1861.

Acknowledging the receipt of your letter of yesterday, (No. 1,) I have the honor to communicate to you that, according to the warnings which by virtue of the orders received from the supreme government were published here, and

inserted in the *Publicata Blad*, (collection of publications,) no privateer nor their prizes are to be allowed admittance to the ports or bays of this colony, then only in case of distress; that this prohibition does not extend itself to vessels-of-war, and that the screw steamer *Sumter* being a man-of-war according to the rules of nations, could not be repelled from this port.

It speaks of itself that you are at liberty to give all such notifications and warnings as you may judge necessary or proper for the interests of the commerce of the United States of North America.

J. D. CROL,

Governor of Curaçao and its dependencies.

Hon. CONSUL of the United States of North America, Curaçao.

Mr. Jesurun to Mr. Seward.

No. 7.]

UNITED STATES CONSULATE,
Curaçao, July 27, 1861.

SIR : * * * * *

The steamer *Sumter* left this port on the 24th instant, and proceeded to the northward, and it is positively reported that her station will be the *Mona* passage.

A seaman deserted from the said vessel, and is absconded at this port somewhere about the country, but up to date I have been unable to find him out, but am doing my best to find him, so that I may obtain all information from him of the proceedings of the steamer since she left New Orleans. As soon as obtained, I shall immediately transmit the same to you.

I have the honor, &c.,

MOSES JESURUN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 10.]

UNITED STATES CONSULATE,
Curaçao, August 7, 1861.

SIR : I have the honor to inform you that I have seen the seaman of the *Sumter*, and that, according to his information, the said steamer was not allowed to enter the port of Cienfuegos de Cuba, but anchored under the fort; but the prizes taken, six in number, went into port. The steamer took in three lighters of coals under the fort, and proceeded to sea immediately, without having heard further of her prizes, and he supposed that such a prompt departure was occasioned through fears being entertained of some of our war vessels stationed at Havana coming after her, and they proceeded direct to this port for shelter.

The report in my despatch No. 5 regarding the burning and capturing of the vessels was correct.

The name of the seaman is John Ord, a British subject. He says he deserted from the steamer because he was forced to go on board in New Orleans, and did not desire to continue in the service of a rebellious party.

Since the *Sumter* left here I have been informed that she captured two American vessels off Porto Cabello, in Venezuela, the bark *Joseph Maxwell* and

another schooner, name not known, both vessels laden from the United States with provisions. Up to date I have no further advices about the schooner, but the bark is said to be anchored at the Orchilla, an island belonging to Venezuela, and that the authorities at La Guayra despatched an armed vessel to reconnoitre, and, if so, to bring her to La Guayra.

The Sumter was seen on the 2d instant in the vicinity of Maturin, on the coast of Venezuela, proceeding to windward, and it is supposed she continues her course through the windward passage to capture vessels there.

I have to inform you that I have this day called upon the governor of the island, requesting him to advise me if the Sumter should be admitted again to this port should she appear, and in reply, he assured me that she will not be admitted, on the ground that since she left this port she has been capturing vessels on the main, and, as he desired to keep a strict neutrality, according to his orders, he could not permit this island to be made a starting point for the steamer. I have also questioned as regards other vessels under the flag and commission, to which he stated that, should another vessel appear, he will then act according to circumstances.

I am of opinion that the governor has committed himself in admitting the Sumter here, and now desires to arrange the affair; the majority of the people here is of the same opinion.

There is still in store at this port about 400 tons of coals, and should another steamer arrive she will certainly obtain her supply, and, in order to avoid her obtaining the article here, I would suggest to you to authorize me to purchase the quantity for account of the government, and draw for the amount. This is the only method of preventing such vessels to coal here unless orders are received from Holland to the contrary.

The coal can be purchased at \$14 per ton, and, as I doubt not the department will order a steamer in these waters very soon, she can take the necessary quantity here for her voyage.

I am using my utmost to protect the commerce and the government of the United States, and shall keep you advised by every conveyance.

I have the honor, &c.,

MOSES JESURUN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 11.]

UNITED STATES CONSULATE,
Curaçao, August 26, 1861.

SIR: I have the honor to inform you that on the 15th instant, the United States steamer Keystone State, G. H. Scott, commander, passed before this port bound westward.

The pilot boarded her, and the commander stated to him that, being in a great hurry, he could lose no time in entering the port; he inquired from him about the Sumter, but finding she was not here, proceeded immediately. She was last from St Thomas.

I have no further information regarding the whereabouts of the Sumter: she was not seen or reported since the 2d instant, and I hope she is by this time in the hands of our government.

The bark Venns arrived from New York on the 19th instant, and report having been chased, on or about the edge of the Gulf Stream, by a brig, which he

supposed to be a privateer. The captain says that he was chased for three days, but his vessel being very fast she could not come up with him. Fearing privateers on the coast, the captain has sold his vessel at this port, and returns under the Dutch flag; and I am of opinion that all regular vessels trading between this and New York, will do the same.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN,

United States Consul.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 13.]

UNITED STATES CONSULATE,

Curaçao, September 3, 1861.

SIR: I have the honor to announce the arrival at this port on the 30th ultimo, of the United States steamer Powhatan, David D. Porter, commander, from Jamaica last, officers and crew all well.

The Powhatan came to this port in search of the rebel steamer Sumter, and I have given to Captain Porter all the necessary information about her whereabouts to the best of my knowledge, and according to last advices said vessel left Trinidad for the Brazils.

I had the pleasure to call on his excellency, the governor, together with Captain Porter. We were received in best order, and very kindly. During our stay at the Governor's we brought forth the admittance of the rebel steamer Sumter at this port, which we considered a very unfriendly disposition of the governor towards the United States, but no satisfaction has been obtained. The governor stated that he acted according to his instructions, and could not deviate therefrom, and should another rebel steamer arrive here he must admit her unless he receives in the meantime contrary instructions from the supreme government. Captain Porter, during his stay here, went into correspondence upon the subject with his excellency, but no definite answers were obtained.

The Powhatan took, at this port, 176 tons of coals, and sailed on the 2d instant in search of the Sumter, and I hope she will soon capture her.

The two last prizes of the Sumter have been retaken by the Powhatan; the schooner Abby Bradford, was sent to Philadelphia, and the Joseph Maxwell left in Cienfuegos, as she required repairs, so that all the captured vessels by the Sumter are now in hands of the government.

On leaving this port the Powhatan fired a salute of 21 guns, which was duly returned by the fort.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN,

United States Consul.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 14.]

UNITED STATES CONSULATE,

Curaçao, September 6, 1861.

SIR: In continuation of my advices concerning the rebel steamer Sumter, I beg leave to state that I have received this day advices from Surinam that said steamer arrived at that port on the 19th of August, and was duly admitted by

the governor as a man-of-war, and that she would take in her supply of coals to continue her voyage as heretofore. It is also reported that the *Sumter* saluted the port of Surinam, and that the same was returned by the fort, although at this port no civility whatever was shown to her.

It is, indeed, painful to observe the conduct of the Dutch governors regarding the free admittance of the pirate under existing friendly relations between our government and that of the Netherlands.

The steamer *Powhatan* will certainly proceed from St. Thomas, where she went for information about the *Sumter*, to the coast of Guiana, as the commander will be informed of her being at Surinam or having been there, and I hope soon to have the honor of reporting to the department of her being captured.

Captain Porter, of the steamer *Powhatan*, required, whilst at this port, a sum of money, and requested me to procure the same for him, and it was with my influence amongst the merchants that I could procure the sum of \$5,500 in American gold, (this specie very much wanted;) and to induce them to give the money, I had to offer my signature as indorser to the bills on the Navy Department, which otherwise could not have been sold.

You will, by foregoing reports, observe that I am always occupied in attending to the interests of the government, and you may be assured that I shall continue to do all that lies in my power for its welfare, and should be pleased to receive your instructions how to act from time to time.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN, *U. S. Consul.*

Hon. W. H. SEWARD,

Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 15.]

UNITED STATES CONSULATE,

Curaçao, September 6, 1861.

SIR: It becomes my duty to report to you that since the 22d of July I have addressed myself to the United States consul at St. Thomas acquainting him of the arrival of the *Sumter* at this port, and fully have I written to him about the said vessel and her proceedings since she left the Mississippi. I have also requested him to forward to the department my despatch No. 5, relating to said vessel, by the first opportunity to the United States.

To my great surprise I am, up to date, without any advices from said consul, and am unaware whether my despatch to you was forwarded or not.

I beg to bring this point before the department, so that you may be satisfied that I had duly communicated the arrival of the *Sumter* at this port, and that should there have been any delay in my despatches reaching you not to be considered as a neglect from my part.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN, *U. S. Consul.*

Hon. W. H. SEWARD,

Secretary of State, Washington.

Mr. Morse to Mr. Seward.

No. 21.]

CURAÇAO, November 8, 1861.

SIR: I have the honor to advise you that the United States propeller *Iroquois*, Captain J. S. Palmer commanding, arrived at this port this morning and signalled the pilot. The harbor master, Mr. Garsta, went on board, bearing a letter from the governor of this island and dependencies, conveying his instructions from the government at The Hague. The substance of which was that the United States vessels-of-war were placed upon a footing equal with the same from the confederate, so-called, or rebel government, restricting vessels-of-war from each to forty-eight hours stay in this port, and taking on board coal sufficient only for twenty-four hours.

Commander Palmer responded promptly in a communication to the governor, declining to enter the port of Curaçao and to receive the hospitalities of that government upon the humiliating conditions imposed by the terms of the governor's communication.

Commander Palmer sent his boat ashore. I visited him, and was gratified to find that his reply was prompt and already penned.

And though learning that the United States government had some 1,300 tons of coal just delivered for the use of her steamers arriving here, and after learning that no coal could be had at Santa Martha, N. G., the *Iroquois*, tarrying two or three hours off this harbor, steamed away for St. Thomas.

Bringing the commander's despatch from the *Iroquois*, I transmitted the same, with a respectful note, to the governor. Having no authority, not having as yet received my exequatur, I refrained from making any formal protest to the governor against the action in the premises of his government.

I take pleasure in stating that the merchants and the people of this place, with great unanimity, express much indignation on account of the restrictions by the government at The Hague upon the national vessels of the United States.

Very respectfully, your obedient servant,

R. E. MORSE,

United States Commercial Agent.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Morse to Mr. Seward.

No. 22.]

COMMERCIAL AGENCY,
Curaçao, W. I., November 9, 1861.

SIR: I have the honor to state that herewith, by the *Favoritas* mail to the United States, I forward my despatch of yesterday, the 8th instant, in relation to the instructions from the government at The Hague to the governor of Curaçao and dependencies concerning certain restrictions upon the United States men-of-war entering this port, together with the intelligence that the commander of the United States steamer *Iroquois*, arriving off this port the 8th instant, declined to enter and coal (the United States government having ample stores of coal here) under the humiliating conditions imposed by the governor's communication to Commander Palmer. This p. m., 4 o'clock, the Dutch steamer, man-of-war, *Vesuvius*, four others being in port, has just left, as I am reliably informed, for St. Thomas in time to intercept the packet bearing the mails to The Hague.

I am well advised that the steamer conveys despatches from the authorities here in relation to the circumstances of the *Iroquois* arriving off this port, and

[Extract.]

Protest of William Bailey, master of ship Golden Packet, of Bangor, burnt at sea off the Isle of Pines by order of the commander of the rebel steamer Sumter.

Sailed from Havana, morning of the 28th June, in ballast, for Cienfuegos to load there, under charter party, with Don José Font, a Spaniard, for Europe.

When about twelve miles W.N.W. of the Isle of Pines, at about 5.30 p. m., an armed steamer wearing American colors fired a shot across the ship's bow as a signal to heave to, which was done; an armed boat's crew boarded the ship and ordered the master to go with them in their boat on board the steamer; the master proceeded in the boat on board the steamer; she had the American colors at her peak when he reached her; he was ordered into the cabin of the commander, who demanded his ship's papers, and after examining them awhile, told him that the ship was a prize to the Confederate States steamer Sumter; and being asked what disposition he was going to make of the ship, replied he should burn her, not having any port to take her into. The commander, named Semmes, ordered him to return to the ship, bring away the remainder of the ship's papers, the crew and their luggage. That when he left the steamer, then the American flag was hauled down and the colors of the so-called Confederate States hoisted; that the ship was stripped by the captors of all spare sails and rigging, all her stores, and everything of value that could be easily taken away, after which they set her on fire; that he, the master, his officers and crew were taken on board the steamer, which then proceeded on her way, leaving the ship a mass of flames; that they were taken by the steamer Sumter into the port of Cienfuegos, where they arrived on the 6th in the afternoon and landed on the 7th; that the steamer then had seven prizes in charge of American vessels, six of which were sent into Cienfuegos and the other remained outside.

* * * * *

Mr. Seward to Mr. Shufeldt.

DEPARTMENT OF STATE,

Washington, July 29, 1861.

SIR: Your despatch, No. 48, dated July 17, 1861, has been received.

Before this time the royal edict of the Spanish government will have been received at Havana, and I do not allow myself to doubt that the vessels taken into Cienfuegos by the privateers will have been discharged by the captain general, although the Spanish minister plenipotentiary has not, as I thought he ought to do, taken the responsibility of recommending such a course under the circumstances.

The subject has already gone before the Spanish government for its decision in the premises. A delay in its action, however, would be deeply injurious. I desire you, therefore, to make the most strenuous efforts to procure the release of the vessels in question, while I shall spare no effort to obtain a guarantee from the Spanish government against a renewal of such occurrences.

Your own course in the matter is very satisfactory.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

R. W. SHUFELDT, Esq.,

United States Consul General, Havana.

Mr. Shufeldt to Mr. Seward.

[Despatch No. 48.]

UNITED STATES CONSULATE GENERAL,
Havana, August 1, 1861.

SIR: I have the honor to inform you that I received on the 28th ultimo a communication from his excellency the captain general of Cuba, in which he says that, in consequence of the investigations made by the authorities of Cienfuegos concerning the capture of the American vessels by the steamer Sumter, he has determined to release them unconditionally, and that the order had been given to that effect.

I have since been informed that these vessels have all sailed from Cienfuegos in convoy of the steamer Crusader.

I have the honor to be, with great respect,

R. W. SHUFELDT, *Consul General.*

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Savage.

DEPARTMENT OF STATE,
Washington, September 30, 1861.

SIR: Your despatch of September 17, No. 61, has been received. I wait impatiently to hear from Mr. Russell, at Trinidad, the facts in relation to the reported visit of the privateer Sumter at that port.

Instructions will be given to the marshal at New York to bring to punishment, if possible, the owners of the Tocoa.

Your vigilance and diligence are highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

THOMAS SAVAGE, Esq.,
United States Vice-consul General, Havana.

Mr. Kookon to Mr. Seward.

No. 5.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Trinidad de Cuba, July 19, 1861.

SIR: The consul general at Havana has already forwarded to the department the notes of protest made by the masters of the six American vessels which were taken by the pirate Sumter and brought into the harbor of Cienfuegos on the 6th instant.

Chas. D. Fowler, esq., United States consular agent, at once informed me by telegraph of the arrival of the Sumter and the six vessels. I instantly replied, requesting the lieutenant governor to detain the vessels in port and to liberate our people on board from the power of the pirate. His excellency promptly complied with my request.

By the first opportunity I went to Cienfuegos, had a long interview with the governor, who expressed the hope that the captain general would at once restore these vessels to their respective owners. I was urged on all sides to go to

Havana in order to secure the release of these vessels. I went, but on my arrival learned, to my regret, that the captain general and consul general had already referred the question to Washington for settlement.

I returned to Cienfuegos and informed the lieutenant governor that I would not permit my countrymen to be exposed to the ravages of yellow fever in this sickly season of the year; that if these vessels were not permitted to proceed on their voyage, they would be abandoned to the Spanish authorities under protest, and I would take the responsibility to send my countrymen home.

His excellency seemed to be deeply impressed that the vessels ought to be released, but had no power to act in the case. He wrote a very forcible letter to the captain general, urging the release of the vessels without delay. On the 17th instant I asked the usual fort pass to enable these vessels to proceed to sea. On the evening of the same day, the governor called to inform me that he had received a telegraphic despatch from the captain general saying that as soon as he learned that there were American war vessels in these waters, he liberated these vessels that they might safely proceed on their voyage. I thanked his excellency, expressed the hope that the Sumter would receive no further favors in way of coal, water, &c., in the ports of this island. He assured me that the Sumter and similar vessels would not be permitted to enter the ports of this island again.

I have not been able to learn upon what principle these vessels were detained, but I do know that the Spanish authorities were exceedingly anxious to get clear of them.

On the 15th instant the Niagara and Crusader made their appearance off Cienfuegos. The Niagara is worth more than all your consuls in this island.

I am, sir, your obedient servant,

JOHN R. KOOKEN.

Hon. WM. H. SEWARD,

Secretary of State, Washington.

Mr. Little to Mr. Seward.

[Extract.]

No. 10.]

UNITED STATES CONSULATE,

Barcelona, February 10, 1862.

SIR: I have the honor to inform you that since my despatch No. 9, nothing of importance has occurred within my consular district. I have carefully watched the movements of the Sumter, as reported in the official gazette, "El Diario de Barcelona," but as the news has been so contradictory from day to day, and having received but one communication from the legation at Madrid on this subject, I have at times been unable to furnish information to our captains as accurate as I wished to have done.

* * * * *

I am, sir, most respectfully, your obedient servant,

JOHN ALBRO LITTLE,

United States Consul.

Hon. WM. H. SEWARD,

Secretary of State.

PORTUGAL.

Mr. Dabney to Mr. Seward.

No. 2.]

CONSULATE UNITED STATES OF AMERICA, (AZORES,)

Fajal, February 28, 1862.

SIR: I have the honor to enclose copies of my correspondence in regard to the secession steamer *Anna Child*, Hammar, master, and to inform you that, having heard that she had a small carriage gun on her forecastle, I made known the circumstance to our civil governor, and he has kindly assured me that he will use his endeavors to obtain all possible information in relation to her armament and equipage.

This vessel having received countenance from Messrs. Dart and Lane, and obtained coal, will probably be the prelude to others bearing that flag, and I beg leave to submit for your consideration the expediency of having a United States vessel occasionally appear here.

With the highest consideration and respect, I am, sir, your most obedient,
CHAS. W. DABNEY.

Hon. WM. H. SEWARD,

Secretary of State, &c., &c.

CONSULATE OF THE UNITED STATES, (AZORES,)

Fajal, February 28, 1862.

SIR: I have the honor to inform you that the secession steamer *Anna Child*, Captain Hammar, put in here on Sunday, the 23d instant, said to be from North Carolina, (the first report was from Charleston,) bound to Liverpool, with a cargo of cotton and naval stores, and that the object of her coming here was to procure coal. The English West India Steam Company have a depot here for the supply of their own vessels. The Lisbon Steam Company also have a depot, from which none has ever been taken but for their own vessels. I am the only person here who has a depot, and always have had since the commencement of steam navigation, for general supply; consequently I felt sure that the "A. C." would have to go elsewhere to get coal. The vessel was placed under quarantine for three days, and having heard that the captain had addressed himself to Mr. Dart, her Britannic Majesty's vice-consul, I called on him, and recommended him, in a friendly manner, not to accept the consignment. He told me that he had declined it, and had recommended his friend, Mr. Lane, (who is consular agent for his Majesty the King of Holland, for the Hanseatic Cities, and agent for Lloyd's Insurance Company,) who was then present, and who had undertaken the management of the steamer's business. I recommended him to consider how such an act might be viewed by the parties he represented, as I was bound to represent the facts of the case.

Having heard that they had applied to the agent of the Lisbon Steam Company, I called on him. He was in the country. When he came to town he came to see me; and for some time (two days) I had hopes that he would not yield; but the temptation of seventy shillings sterling prevailed.

I have it from good authority that Captain Hammar wrote to Mr. Dart that "he must have English papers." I fear that the expedient will be used by many.

Having been informed that the "A. C." had a small carriage gun on the forecastle, I applied to the governor to make inquiry respecting "her nature." The captain of the port was officially addressed, and his excellency had the kindness to call on me and showed me his report. From that it appeared that she stands in the name of John P. Lafitte, of Charleston, laden as before stated; has twenty-seven persons attached to her, and five passengers, and that there was no other indication of armament.

I fear that this will not reach you in time to enable you to take any measures for her capture.

With great consideration, &c., &c., &c.

C. W. DABNEY.

His Excellency C. F. ADAMS, *&c.*, *&c.*, *&c.*

BRAZIL.

Mr. McGrath to Mr. Seward.

No. 3.]

CONSULATE OF THE UNITED STATES,
Maranham, (Brazil,) September 15, 1861.

SIR: I have the honor of transmitting to the Department of State the enclosed copy of the *protest*, made on the 7th of current month, against permission being granted to the privateer Sumter (which entered this port on the evening of the 6th) to coal and procure supplies.

I regret to state that, notwithstanding the strongest official and personal representations were made to the governor, he finally, after two days' delay, gave his consent for the coaling of the steamer.

I had anticipated that my protest would be successful, its wording being founded on the fact that Brazil had not as yet taken any public position on the question. You will please observe that I have stated in my protest that if the Sumter were allowed to obtain coal, it would be viewed as a "breach of neutrality," on the ground that the Brazilian government had relations with the Federal government only, and had not, up to the date of my protest, by any proclamation declared her neutrality or given to the Confederate States the rights of belligerents. It appears, however, from the reply of the governor to my protest, (a translation of which I enclose,) that although the imperial government had made no proclamation on American affairs, it *had sent private instructions* to the governors of the different provinces to pursue a neutral course with regard to both parties.

My allusion to the course adopted by the European powers, and causing the immediate departure of the Sumter, was based on the reported refusal of England to permit such vessels to enter her ports, and France allowing them to remain twenty-four hours only. Unfortunately the proclamations of these two nations were not at hand to refer to.

The commander of the Sumter, (R. Semmes,) in his interview with the governor, produced the proclamations made by the different European governments, together with the replies made to the consular protests by the governors of the various ports where he had obtained supplies of coal. All of these documents were translated by order of the governor, and contributed very much to sustain him with regard to the position he took in reference to my protest.

One of the first acts of Captain Semmes, of the Sumter, was to prove to the satisfaction of this government that he was a regularly constituted "man-of-war," having the proper commission and instructions from his government; this being accomplished, he received at once all the consideration accorded to a regular armed vessel-of-war. This was done, notwithstanding his claim to the distinction was strenuously denied on the ground that a government without a nationality, a recognized flag, or a single received official representative abroad, could not inaugurate what is known as a "man-of-war."

The offer of Captain Semmes to salute the Brazilian flag was declined for the reason that the salute could not be returned without acknowledging the confederate flag, which, as yet, the Brazilian governor was not prepared to do.

The course which the governor pursued relative to the coaling of this steamer is not favorably considered by a majority of the people of this port. Much opposition was made to it in the provisional assembly, and a resolution asking

of the governor his reasons for the course he adopted, and why he permitted an unrecognized flag to fly in the port, was lost by a few votes only. Nevertheless, the Sumter found very many warm sympathizers and active friends in Maranhão, many believing that they are fighting the great battle of slavery. I should not be at all surprised if she would return to this port for coal and supplies *after making a cruise in the course of the East India traders, which her commander privately stated as being his intention.*

You cannot imagine the effect which the presence of the Sumter on this coast has had upon the American trade. It is quite possible that it will be entirely suspended. Already several cargoes ordered a short time previous have been countermanded. The presence of one or two efficient steamers-of-war is indispensable for the restoration of confidence.

The Sumter, up to the date of her entrance into this port, has taken eleven prizes; has been at the Island of Trinidad, Paramaribo, in Surinam, and finally Maranhão, where she obtained one hundred (100) tons of coal, paying \$20 per ton, it being scarce at the time; this, with the 150 tons on board, would make an ample supply for ten or fifteen days' constant running. The Sumter is bark-rig and sails well; is armed with four (4) rifled and one ten-inch columbiad pivot gun, with a compliment of near two hundred men.

This steamer is thoroughly armed and equipped, and has an able and determined commander, who will succeed in taking, or driving off, or running away from any small or inefficiently armed vessel that may be sent against him. Under favorable circumstances, the Sumter makes fourteen knots per hour. In my opinion, it would not be prudent to send any vessel against her of smaller capacity than the Brooklyn. In case this vessel should run into the Pacific, it would be well *for some of the Pacific squadron to meet her before she reaches Valparaiso.* In my opinion, it is equally, if not more *important that two efficient steamers should cruise near Cape Town,* in the course of the East India traders.

I perceive that I neglected to mention in the first part of my despatch that before the Sumter anchored in this port her commander sent an officer to the governor to ask permission for the same, which being granted, the vessel was brought up in front of the city to a convenient location for coaling.

I have to call the attention of your excellency to the latter part of the governor's despatch, where he states that "it was necessary that the said steamer had entered this port with prizes *as a privateer*, (en qualidade do Corsario,) in such a case she could only remain twenty-four hours." Is it not fair to infer from this statement that in her recognized character as a "man-of-war" she could enter with prizes and remain as long as her commander might desire? It is possible that your excellency may consider that this point requires explanation from the imperial government.

I also understand from the *most reliable* authority that the commander of the Sumter stated that the governor had given his word of honor that should he, upon leaving this port, capture the brig Maria, of New York, (hourly expected,) and whose cargo is neutral, belonging to a Portuguese resident, and send her into Maranhão to have her cargo delivered to the owner, he, the governor, would return the Maria to a certain point agreed upon, where the captain of the Sumter would obtain her.

Would such a course, in the opinion of your excellency, be in accordance with that strict neutrality which the governor states the imperial government has so warmly recommended to him?

Being, as Brazil from its location and sympathies is, destined to supply and furnish ports of security for the privateers of the southern States, I hope your excellency will see proper to have the position and course of this country relative to American affairs distinctly understood.

The Sumter remained in this port nine days, entering on the 6th and

leaving on the 15th instant, and, as her commander stated, (excepting coal,) with three months' supplies.

I am perfectly well aware that the enclosed protest contains objectionable features; but they were introduced intentionally, with the hope that, from the unprepared and unadvised state of the provisional government, I might gain the object of the protest; but during the interval of its presentation and reply by the governor he was sufficiently well instructed to decline acceding to its demands. I have the assurances of a high official that for some time after the reception of the protest the government was quite at a loss to know what course to pursue. If the Sumter had entered this port as a privateer, and not in the character of a "man-of-war," the governor would have found more difficulty in deciding upon a course of policy.

September 25.—I have the pleasure of announcing the arrival at this port of the United States steamer Powhatan, Captain Porter, nine days from Surinam, in quest of the steamer Sumter. The Powhatan will leave as soon as she has coaled. The Powhatan entered on the 21st.

I have the honor to be, sir, your obedient servant,

W. H. McGRATH, *Consul.*

Hon. W. H. SEWARD,

Secretary of State, Washington, D. C.

Mr. McGrath to Governor Aguiar.

COPY OF PROTEST.

MARANHAM, *September 7, 1861.*

I have the honor of calling your excellency's attention to the arrival at this port of the steamer Sumter, under a flag not recognized by this or any other government, and as this same steamer has for the last three months been capturing and destroying the vessels and cargoes of American citizens, and has entered this port to obtain supplies of coal, &c., to continue the same, in the name of the government of the United States I *protest* against permission being granted for this object.

I feel it to be my duty to inform your excellency that if permitted to obtain such supplies, it will be viewed as a breach of neutrality and most unfriendly act by the government of the United States. I hope that, in view of these circumstances, and more particularly the kind and amicable relations that have existed for so many years between Brazil and the United States, and the course adopted by the great European nations with regard to the same question, that your excellency will cause the immediate departure of this steamer.

I have also to inform your excellency that by the latest intelligence the Sumter has already taken, as prizes, five vessels into Cienfuegos.

W. H. McGRATH, *Consul.*

His Excellency F. P. DE SOUSA AGUIAR,

Governor of Maranhão.

Governor Aguiar to Mr. McGrath.

[Translation.]

PALACE OF THE GOVERNOR OF MARANHÃO,

September 13, 1861.

In the despatch of the 7th of the current month, which W. H. McGrath, consul of the United States of North America, addressed me, calling my atten-

tion to there having entered the port of this capital the steamer Sumter under a flag not recognized by this or any other government; also observing that during the last three months this same steamer has been capturing and destroying the vessels and cargoes belonging to the United States of America, and protesting against permission being granted for the coaling of this steamer, for the reason that the government of the United States would consider it as a breach of neutrality and most unfriendly act on the part of the Brazilian government.

And Mr. Consul further declares that, in view of these circumstances and the friendly relations that has existed for so many years between Brazil and the United States, he hopes that the governor will cause the immediate departure of this vessel, as the great nations of Europe have done under similar circumstances, and concludes by informing me that by the latest intelligence this same steamer had taken several prizes belonging to North Americans into Cienfuegos.

To be able to answer, Mr. Consul, it was necessary for me, as I mentioned in my despatch of the 8th instant, to make the necessary inquiries, according to the instructions of the imperial government in regard to the character of the said steamer, and, enabled by the information given to me by the chief of police, as auditor of the navy I answer your communication.

Though the States which declared themselves a constituted and a separate confederation have no recognized existence, nevertheless they have constituted themselves a distinct government, by which that of Brazil cannot consider it in the light of piracy their having armed vessels, nor can she deny them the necessary supplies, with proper restrictions, in their character as belligerents.

As the steamer Sumter is in such a position, (belligerent,) and the Brazilian government being obliged to maintain the strictest neutrality during the war which so unhappily exists between those States, she must abstain from all participation and assistance in favor of either of the belligerents, and cannot take a part in acts which might be considered as hostile to either party, and in violation of the duties of a neutral.

On this account no vessel of either party employed in this war or arming for it can be supplied in the ports of the empire with munitions of war, but supplies of coal and provisions for the continuance of the voyage cannot be denied. For this reason the reclamation which Mr. Consul made in regard to the supplies of coal cannot be acceded to, and a refusal to grant these supplies would be a violation of the neutrality so much recommended by the imperial government. In regard to the immediate departure of this steamer Sumter from this port, I must say to Mr. Consul, in order that this step should be taken, it was necessary that the said steamer had entered this port *with prizes as a privateer*. In such a case she could only remain twenty-four hours. By the information I have obtained, I learn that this vessel is not in such a position, and it would certainly be an improper act on the part of Brazil, and against its character as a neutral, to comply with the requisition of Mr. Consul.

I assure Mr. Consul that the neutrality of this province in relation to the United States of America, which are in war, will be strictly maintained according to the instructions of the imperial government.

In view of the above remarks, it is my opinion that the protest of Mr. Consul has not sufficient basis for me to accede to it.

I profit by the occasion to renew to W. H. McGrath, consul of the United States of North America, the expressions of my perfect esteem and distinguished consideration.

FRANCISCO PRIMO DE SOUSA AGUIAR.

Mr. W. H. McGRATH,

United States Consul, Maranhão.

NETHERLANDS.

Mr. Jesurun to Mr. Seward.

[Duplicate.]

No. 5.]

UNITED STATES CONSULATE,
Curaçao, July 19, 1861.

SIR: It becomes my duty to inform you that on the 17th instant the steamer Sumter, Captain Raphael Semmes, arrived at this port, bearing the flag of the Confederate States.

I will also give you all the particulars that I have ascertained concerning this vessel, and also of the manner she was admitted here.

On the 29th of June she left New Orleans, and having been chased by the steamer Brooklyn, she managed to run away from her and got to sea. Since then she captured seven American merchant vessels, one of which was burnt at sea, (the Golden Rocket,) and the others were taken to Cienfuegos de Cuba and sold there, together with their cargoes. The crews were delivered to the American consul to be sent home.

This steamer is very well armed. She carries five guns; a pivot gun of 64 pounds and four side guns of 32 each, besides a large supply of small arms, such as cutlasses, revolvers, hatchets, rifles, &c. She carries 130 men.

The foregoing information has been transmitted to me by a friend who paid a visit to the steamer and had a conversation with the officers.

The steamer Sumter hove in sight off this port on the evening of the 16th instant, and fired a gun for the pilot, who immediately took to sea. On reaching her the steamer hoisted the confederate flag, and, the same being unknown here, the pilot told the captain that he had to report to the governor before taking the vessel into port; this report was replied by the governor to the captain that, according to orders from the supreme government, he could not admit into this port privateers, nor their prizes, but in case of distress, and therefore the steamer could not be admitted before her character was perfectly known.

In reply to this message the captain of the steamer remained outside of the port until the next morning, when he sent a despatch to the governor by an officer, stating that his vessel being a duly commissioned man-of-war of the Confederate States, he desired to enter this port for a few days. The colonial court assembled the same morning, and on the ground of the declaration and assurance of Captain Semmes in his despatch that the steamer is not a privateer, it was decided that she could enter this port.

As soon as the steamer was admitted I wrote a despatch to the governor, in compliance with my duty as consul of the United States at this port, and the next day I received an answer; of both documents I beg to enclose copies herewith, and hope the department will approve the course taken by me.

The steamer Sumter intends taking on board, on the 22d instant, 115 ton of coals, purchased at \$14 per ton, and it is reported that she will again proceed to sea to cruise in the Mona passage, but the day of sailing is not yet fixed upon.

I have given notice to the consuls of St. Thomas, Havana, and Venezuela,

of the presence of the steamer here, so that they may guard masters of vessels of the dangers awaiting them in these waters.

It is reported that the steamer Sumter intends returning again to this port, as soon as she requires another supply of coals, and I beg to state that should this vessel remain in these waters it will cause detriment to the commerce of this place and the United States, as no American vessel will be able to reach this port.

A man-of-war stationed in this vicinity, or at this port, will do much good, and I am of opinion that she may easily be captured by one of our vessels, and I shall be very happy to have a man-of-war here, if one could be spared from home.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN,

United States Consul.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington.

No. 1.]

UNITED STATES CONSULATE,

Curaçao, July 18, 1861.

HONORABLE SIR: Complying with my duty as accredited consul of the United States of America in this island, I respectfully beg leave to state that I find myself placed in a very difficult position through the admittance at this port of an armed steamer bearing the flag of the rebellious States, which the United States government is now, with the greatest energy, trying to bring back to submission; a vessel which, according to the declaration of the government of the United States, must be considered and treated as a pirate. And as the said steamer, on her way from New Orleans to this port, has taken and sent for sale to the Spanish island of Cuba (according to the report of her own officers) several American merchant vessels, I reckon it my peremptory duty to inform the United States government of her presence in these waters, and to warn the commerce of Puerto Cabello, La Guayra, St. Thomas, &c., where American vessels may be, of the danger they are running; and in order to be enabled to do so, and to cover my responsibility, I respectfully request from your excellency to be informed under what pretext and considerations the said steamer has asked and obtained admittance to this port.

I embrace this opportunity to offer to your excellency the assurance of my high respect.

MOSES JESURUN,

Consul of the United States of America.

His Excellency the GOVERNOR OF CURAÇAO and dependencies.

[Translation.]

GOVERNMENT OF CURAÇAO AND ITS DEPENDENCIES.

No. 197.]

CURAÇAO, July 19, 1861.

Acknowledging the receipt of your letter of yesterday, (No. 1.) I have the honor to communicate to you that, according to the warnings which by virtue of the orders received from the supreme government were published here, and

inserted in the *Publicata Blad*, (collection of publications,) no privateer nor their prizes are to be allowed admittance to the ports or bays of this colony, then only in case of distress; that this prohibition does not extend itself to vessels-of-war, and that the screw steamer *Sumter* being a man-of-war according to the rules of nations, could not be repelled from this port.

It speaks of itself that you are at liberty to give all such notifications and warnings as you may judge necessary or proper for the interests of the commerce of the United States of North America.

J. D. CROL,

Governor of Curaçao and its dependencies.

Hon. CONSUL of the United States of North America, Curaçao.

Mr. Jesurun to Mr. Seward.

No. 7.]

UNITED STATES CONSULATE,
Curaçao, July 27, 1861.

SIR : * * * * *

The steamer *Sumter* left this port on the 24th instant, and proceeded to the northward, and it is positively reported that her station will be the Mona passage.

A seaman deserted from the said vessel, and is absconded at this port somewhere about the country, but up to date I have been unable to find him out, but am doing my best to find him, so that I may obtain all information from him of the proceedings of the steamer since she left New Orleans. As soon as obtained, I shall immediately transmit the same to you.

I have the honor, &c.,

MOSES JESURUN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 10.]

UNITED STATES CONSULATE,
Curaçao, August 7, 1861.

SIR : I have the honor to inform you that I have seen the seaman of the *Sumter*, and that, according to his information, the said steamer was not allowed to enter the port of Cienfuegos de Cuba, but anchored under the fort; but the prizes taken, six in number, went into port. The steamer took in three lighters of coals under the fort, and proceeded to sea immediately, without having heard further of her prizes, and he supposed that such a prompt departure was occasioned through fears being entertained of some of our war vessels stationed at Havana coming after her, and they proceeded direct to this port for shelter.

The report in my despatch No. 5 regarding the burning and capturing of the vessels was correct.

The name of the seaman is John Ord, a British subject. He says he deserted from the steamer because he was forced to go on board in New Orleans, and did not desire to continue in the service of a rebellious party.

Since the *Sumter* left here I have been informed that she captured two American vessels off Porto Cabello, in Venezuela, the bark *Joseph Maxwell* and

another schooner, name not known, both vessels laden from the United States with provisions. Up to date I have no further advices about the schooner, but the bark is said to be anchored at the Orchilla, an island belonging to Venezuela, and that the authorities at La Guayra despatched an armed vessel to reconnoitre, and, if so, to bring her to La Guayra.

The Sumter was seen on the 2d instant in the vicinity of Maturin, on the coast of Venezuela, proceeding to windward, and it is supposed she continues her course through the windward passage to capture vessels there.

I have to inform you that I have this day called upon the governor of the island, requesting him to advise me if the Sumter should be admitted again to this port should she appear, and in reply, he assured me that she will not be admitted, on the ground that since she left this port she has been capturing vessels on the main, and, as he desired to keep a strict neutrality, according to his orders, he could not permit this island to be made a starting point for the steamer. I have also questioned as regards other vessels under the flag and commission, to which he stated that, should another vessel appear, he will then act according to circumstances.

I am of opinion that the governor has committed himself in admitting the Sumter here, and now desires to arrange the affair; the majority of the people here is of the same opinion.

There is still in store at this port about 400 tons of coals, and should another steamer arrive she will certainly obtain her supply, and, in order to avoid her obtaining the article here, I would suggest to you to authorize me to purchase the quantity for account of the government, and draw for the amount. This is the only method of preventing such vessels to coal here unless orders are received from Holland to the contrary.

The coal can be purchased at \$14 per ton, and, as I doubt not the department will order a steamer in these waters very soon, she can take the necessary quantity here for her voyage.

I am using my utmost to protect the commerce and the government of the United States, and shall keep you advised by every conveyance.

I have the honor, &c.,

MOSES JESURUN,
United States Consul.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 11.]

UNITED STATES CONSULATE,
Curaçao, August 26, 1861.

SIR: I have the honor to inform you that on the 15th instant, the United States steamer Keystone State, G. H. Scott, commander, passed before this port bound westward.

The pilot boarded her, and the commander stated to him that, being in a great hurry, he could lose no time in entering the port; he inquired from him about the Sumter, but finding she was not here, proceeded immediately. She was last from St Thomas.

I have no further information regarding the whereabouts of the Sumter; she was not seen or reported since the 2d instant, and I hope she is by this time in the hands of our government.

The bark Venus arrived from New York on the 19th instant, and report having been chased, on or about the edge of the Gulf Stream, by a brig, which he

supposed to be a privateer. The captain says that he was chased for three days, but his vessel being very fast she could not come up with him. Fearing privateers on the coast, the captain has sold his vessel at this port, and returns under the Dutch flag; and I am of opinion that all regular vessels trading between this and New York, will do the same.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 13.]

UNITED STATES CONSULATE,
Curaçao, September 3, 1861.

SIR: I have the honor to announce the arrival at this port on the 30th ultimo, of the United States steamer Powhatan, David D. Porter, commander, from Jamaica last, officers and crew all well.

The Powhatan came to this port in search of the rebel steamer Sumter, and I have given to Captain Porter all the necessary information about her whereabouts to the best of my knowledge, and according to last advices said vessel left Trinidad for the Brazils.

I had the pleasure to call on his excellency, the governor, together with Captain Porter. We were received in best order, and very kindly. During our stay at the Governor's we brought forth the admittance of the rebel steamer Sumter at this port, which we considered a very unfriendly disposition of the governor towards the United States, but no satisfaction has been obtained. The governor stated that he acted according to his instructions, and could not deviate therefrom, and should another rebel steamer arrive here he must admit her unless he receives in the meantime contrary instructions from the supreme government. Captain Porter, during his stay here, went into correspondence upon the subject with his excellency, but no definite answers were obtained.

The Powhatan took, at this port, 176 tons of coals, and sailed on the 2d instant in search of the Sumter, and I hope she will soon capture her.

The two last prizes of the Sumter have been retaken by the Powhatan; the schooner Abby Bradford, was sent to Philadelphia, and the Joseph Maxwell left in Cienfuegos, as she required repairs, so that all the captured vessels by the Sumter are now in hands of the government.

On leaving this port the Powhatan fired a salute of 21 guns, which was duly returned by the fort.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN,
United States Consul.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 14.]

UNITED STATES CONSULATE,
Curaçao, September 6, 1861.

SIR: In continuation of my advices concerning the rebel steamer Sumter, I beg leave to state that I have received this day advices from Surinam that said steamer arrived at that port on the 19th of August, and was duly admitted by

the governor as a man-of-war, and that she would take in her supply of coals to continue her voyage as heretofore. It is also reported that the Sumter saluted the port of Surinam, and that the same was returned by the fort, although at this port no civility whatever was shown to her.

It is, indeed, painful to observe the conduct of the Dutch governors regarding the free admittance of the pirate under existing friendly relations between our government and that of the Netherlands.

The steamer Powhatan will certainly proceed from St. Thomas, where she went for information about the Sumter, to the coast of Guiana, as the commander will be informed of her being at Surinam or having been there, and I hope soon to have the honor of reporting to the department of her being captured.

Captain Porter, of the steamer Powhatan, required, whilst at this port, a sum of money, and requested me to procure the same for him, and it was with my influence amongst the merchants that I could procure the sum of \$5,500 in American gold, (this specie very much wanted;) and to induce them to give the money, I had to offer my signature as indorser to the bills on the Navy Department, which otherwise could not have been sold.

You will, by foregoing reports, observe that I am always occupied in attending to the interests of the government, and you may be assured that I shall continue to do all that lies in my power for its welfare, and should be pleased to receive your instructions how to act from time to time.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN, *U. S. Consul.*

Hon. W. H. SEWARD,

Secretary of State, Washington.

Mr. Jesurun to Mr. Seward.

No. 15.]

UNITED STATES CONSULATE,

Curaçao, September 6, 1861.

SIR: It becomes my duty to report to you that since the 22d of July I have addressed myself to the United States consul at St. Thomas acquainting him of the arrival of the Sumter at this port, and fully have I written to him about the said vessel and her proceedings since she left the Mississippi. I have also requested him to forward to the department my despatch No. 5, relating to said vessel, by the first opportunity to the United States.

To my great surprise I am, up to date, without any advices from said consul, and am unaware whether my despatch to you was forwarded or not.

I beg to bring this point before the department, so that you may be satisfied that I had duly communicated the arrival of the Sumter at this port, and that should there have been any delay in my despatches reaching you not to be considered as a neglect from my part.

I have the honor to be, sir, your obedient servant,

MOSES JESURUN, *U. S. Consul.*

Hon. W. H. SEWARD,

Secretary of State, Washington.

Mr. Morse to Mr. Seward.

No. 21.]

CURAÇAO, November 8, 1861.

SIR: I have the honor to advise you that the United States propeller Iroquois, Captain J. S. Palmer commanding, arrived at this port this morning and signalled the pilot. The harbor master, Mr. Garsta, went on board, bearing a letter from the governor of this island and dependencies, conveying his instructions from the government at The Hague. The substance of which was that the United States vessels-of-war were placed upon a footing equal with the same from the confederate, so-called, or rebel government, restricting vessels-of-war from each to forty-eight hours stay in this port, and taking on board coal sufficient only for twenty-four hours.

Commander Palmer responded promptly in a communication to the governor, declining to enter the port of Curaçao and to receive the hospitalities of that government upon the humiliating conditions imposed by the terms of the governor's communication.

Commander Palmer sent his boat ashore. I visited him, and was gratified to find that his reply was prompt and already penned.

And though learning that the United States government had some 1,300 tons of coal just delivered for the use of her steamers arriving here, and after learning that no coal could be had at Santa Martha, N. G., the Iroquois, tarrying two or three hours off this harbor, steamed away for St. Thomas.

Bringing the commander's despatch from the Iroquois, I transmitted the same, with a respectful note, to the governor. Having no authority, not having as yet received my exequatur, I refrained from making any formal protest to the governor against the action in the premises of his government.

I take pleasure in stating that the merchants and the people of this place, with great unanimity, express much indignation on account of the restrictions by the government at The Hague upon the national vessels of the United States.

Very respectfully, your obedient servant,

R. E. MORSE,

United States Commercial Agent.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Morse to Mr. Seward.

No. 22.]

COMMERCIAL AGENCY,
Curaçao, W. I., November 9, 1861.

SIR: I have the honor to state that herewith, by the Favoritas mail to the United States, I forward my despatch of yesterday, the 8th instant, in relation to the instructions from the government at The Hague to the governor of Curaçao and dependencies concerning certain restrictions upon the United States men-of-war entering this port, together with the intelligence that the commander of the United States steamer Iroquois, arriving off this port the 8th instant, declined to enter and coal (the United States government having ample stores of coal here) under the humiliating conditions imposed by the governor's communication to Commander Palmer. This p. m., 4 o'clock, the Dutch steamer, man-of-war, Vesuvius, four others being in port, has just left, as I am reliably informed, for St. Thomas in time to intercept the packet bearing the mails to The Hague.

I am well advised that the steamer conveys despatches from the authorities here in relation to the circumstances of the Iroquois arriving off this port, and

bearing protests of prominent merchants of this place against the restrictions upon the United States steamers entering this port, with an appeal, I am advised unofficially, to the home government for a revocation of their restrictions.

I have advices further; and my opinion, based upon observation, is that the sentiment is strong and unanimous through all classes, including the authorities here, against the restrictions imposed by the government at the Hague upon the United States steamers entering this port.

Respectfully, your obedient servant,

R. E. MORSE.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Sawyer to Mr. Seward.

No. 18.]

UNITED STATES CONSULATE,
Port of Paramaribo, September 4, 1861.

SIR: I have the honor to inform you that the rebel steamer Sumter came running into this port, following a French steamer, on the 19th day of August, flying the rebellious southern flag at her peak.

She ran past Fort Amsterdam, which is six miles below the town, where all vessels bearing a strange flag, with the exception of men-of-war, must come to anchor and have their pass signed before they are allowed to proceed to town.

I immediately met the governor at the water side, who seemed much astonished, and asked him if he allowed that vessel to remain in port, and if he recognized the flag she bore. He responded that *he did not*, but said that he thought her to be a man-of-war. I persisted that she was nothing but a vessel sent out by the rebels of the southern States on a piratical expedition, and hoped that he would decide to order to sea at once.

The following day I called on him and wrote him letter No. 1. I had learned that the Sumter was much in want of coals and other supplies, and her intention was to thoroughly refit.

I most earnestly begged of the governor, in the name of the United States, not to allow any coal to be taken on board, as it would be helping the rebels against the United States, and give them the means of plundering our vessels, as she had already done since running the blockade. He seemed undecided how to act, and regretted much that the vessel had come here. He had also taken the advice of the authorities and two French officers, and their opinion was that coals were not a contraband of war.

I allowed it was not, for argument sake, but said that there was no war, only a rebellion, which the United States would subdue in a very short time, but in the meantime a foreign government acted very wrongly by recognizing their vessels as commissioned men-of-war. However, he told me that the government would not furnish her (the Sumter) with coals, and would request the holders of coals not to sell to her.

The captain (Semmes) had already purchased coals of a person here, but the seller would not deliver them until he had seen and obtained consent from the governor. He called on him and was told that he (the governor) should not interfere with the business of private individuals, but that the government would not sell coals to the Sumter.

The merchant proceeded to deliver them.

Having understood that some of our men-of-war were in this vicinity, I considered it my duty to endeavor to detain the Sumter here as long as possible, and also to stop his coaling.

I immediately wrote to all the consuls in this vicinity, viz: Martinique, Havana, St. Thomas, Demara, Barbadoes, Cayenne, and Kingston, per mail, which left on the 20th August, and then tried my utmost to place obstacles in her way in order to keep her here as long as possible. His (the captain's) intention was to have left in two or three days, provided they could get the coal on board.

I immediately hired all the punts; as the vessels are all loaded and discharged by lighters and punts, they were obliged to load in boats and small flats, which kept them occupied day and night till the 30th. The return mail brought the news that the Keystone State had touched at Barbadoes in search of her, on the 21st of July, which is only two days sail from here, and if she came here the Sumter would be in a trap as it were. However, she put to sea the 31st, leaving behind two of her men, they having deserted.

It being here *neutral* territory, I have done nothing more than get his punts away by paying the owners of the same, and have not attempted anything serious against him. The expense incurred I hope the government will see fit to reimburse to me.

I had also an idea that as the governor had broken the neutrality, (first by allowing the vessel to come up to town without a pass; second, by coaling,) that if any of our men-of-war should have arrived they would come up and take her as she lay in port.

Hearing that a planter had sold her coals, and was about to send them from his plantation, about thirty miles distant, I sent off a boat and had the lighter arrested, as the owner had let the punt to transport coals from one plantation to another. He gave me an order to detain it, which I did, and made them take the coals out.

I warned the governor that if the Sumter took away any of our vessels after leaving here that this colony would be responsible for them, whether coals were contraband of war or not, as the authorities were aware that they were to be used against the United States.

As far as I can judge by the looks of the Sumter at a distance, and by information from persons who have been on board, she is a mere shell of a vessel. She has six 64-pounders, and one very heavy pivot gun.

The officers seem to be aware that they are in a precarious position, as they say that they *never will* be taken alive.

She touched at Cayenne before coming here, but the authorities would not allow her to enter the port.

If this affair is allowed to pass, and there are more of these rebel vessels in our waters, they will undoubtedly make this port a coaling station, as they have been so well received by the authorities.

As for myself, I consider that the flag has been insulted by allowing the rebel to fly his ensign on the same territory.

My idea is that she is bound north, as I understood that some of the officers said that there were six other vessels trying to run the blockade, and were to meet somewhere near the Gulf stream, in a certain latitude. They also said that at Porto Cabello they were fired into and came near being sunk.

Since their coming out they have fired but three shotted guns—one at the Golden Rocket, two at other vessels. I think that they are afraid that their guns may injure the vessel.

Allow me to say that it is my opinion that if any of these vessels are taken it will be bad policy for our government to execute the majesty of the law *at once*, as these rebels will certainly retaliate *man for man*; at least they have said it.

The fault of the Sumter coming up to town lies at Fort Amsterdam, as it seems the troops on guard did not plainly see the flag, and as she followed a French steamer they imagined that they were both of the same nation.

The man that furnished her with coals is a clerk of a British subject named Wright.

The two men that deserted from the Sumter called on me for protection. I advised them to leave this place as soon as possible, as the vessel might return soon, or some other belonging to the rebels.

They stated that the prizes had all been taken under false colors. A man was continually at the masthead, and when a vessel was seen they would run up the English, Spanish, or French flag and run for her, but when a steamer hove in sight they would get away as fast as possible. Their engine cannot be run but a short time owing to the heating of the machinery, which, every few hours, they are obliged to stop to cool off.

I hope that you will approve of my endeavors to detain this vessel, although of no avail.

I have just received information from the light-ship that when the Sumter was a few miles at sea the smoke pipe was taken down, her ports closed, and her rig completely changed. She now resembles a common merchant bark.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

Hon. WM. H. SEWARD,
Secretary of State of the United States of America.

Mr. Sawyer to Mr. Seward.

[P. S. to No. 18.]

UNITED STATES CONSULATE,
Port of Paramaribo, September 4, 1861.

SIR: The mail leaves in a few moments; I have the honor to add that I just received information from the light-ship that when the Sumter was a few miles at sea, the smoke pipe was taken down, her ports closed up, and her rig completely changed. She now resembles a common merchant bark.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

No. 1.

Mr. Sawyer to Governor Van Lansburg.

PARAMARIBO, *August 21, 1861.*

The undersigned begs to inform your excellency that there are some persons in this colony who are about to supply the piratical and rebel steamer Sumter with contrabands of war. I most earnestly hope you will put a stop to it.

I beg, also, to inform you that the United States are having serious trouble with the Spanish authorities for the facilities offered this same steamer at Cienfuegos, by supplying her with coal and other contraband of war, besides allowing the use of their port to her as a station.

I am yours, respectfully,

HENRY SAWYER,
United States Consul.

His Excellency Governor VAN LANSBURG.

Mr. Sawyer to Messrs. Solsman Brothers.

UNITED STATES CONSULATE,
Port of Paramaribo, August 22, 1861.

GENTLEMEN: I understand that you have a supply of coal and powder on hand and for sale; I most respectfully beg of you, in the name of the United States, not to sell or furnish a pound of either to that rascally and piratical steamer sailing under the name of Sunter.

Your obedient servant,

HENRY SAWYER,
United States Consul.

MESSRS. SOLSMAN BROTHERS, *Paramaribo.*

Mr. Sawyer to Messrs. Bosehnitz and Canteau.

UNITED STATES CONSULATE,
August 20, 1861.

DEAR SIR: Have you coals for sale, and if so, what is the price?

Yours, &c.,

HENRY SAWYER,
United States Consul.

S. H. S. BOSEHNITZ, Esq.

DEAR SIR: Have you coals for sale, and if so, what is the price?

Yours, &c.,

HENRY SAWYER,
United States Consul.

S. P. CANTEAU, Esq.

Mr. Sawyer to Mr. Offerell.

UNITED STATES CONSULATE,
Port of Paramaribo, August 21, 1861.

DEAR SIR: In the name of God don't sell a pound of coal (a contraband of war) to that rascal of a rebel and pirate now anchored in this port, and flying his rag in the teeth of the authorities of this place.

If you have more than you require for your plantations, and will sell to me, I will purchase, providing the governor of this colony *has not vetoed* the coaling of the Sunter, (or any other name she may sail under,) and will give you in payment a draft payable at sight on the government of the United States at Washington for the amount.

I am yours, truly,

HENRY SAWYER,
United States Consul.

D. C. OFFERELL, Esq.

Mr. Sawyer to Mr. Wright.

UNITED STATES CONSULATE,
Paramaribo, August 20, 1861.

MY DEAR SIR: I have been informed that you are indirectly aiding and helping the piratical steamer *Sunter* with coals, (a contraband of war.) For God's sake don't do it, as I shall be obliged to protest against you in the name of the United States to the governor of this colony.

Truly yours,

HENRY SAWYER,
United States Consul.

HUGH WRIGHT, Esq.

Mr. Sawyer to Hon. D. C. Monroe.

UNITED STATES CONSULATE,
Port of Paramaribo, August 22, 1861.

DEAR SIR: I have reason to believe that one or more of your countrymen, subjects of her Britannic Majesty, are indirectly aiding and assisting with coal the piratical steamer now anchored in this port and flying the rebel rag at his peak.

According to the late proclamation, if I am not mistaken, it is considered felony by your government.

I must respectfully request and beg of you, in the name of the United States of America, that if such be the case you will use your endeavors to put a stop to it.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. D. C. MONROE,
Her Britannic Majesty's Consul, Paramaribo.

Mr. Monroe to Mr. Sawyer.

No. 18.]

BRITISH CONSULATE,
Surinam, August 22.

SIR: Your communication of this date has just been handed to me, and in reply I have merely to say that the only British subjects having coal for sale at this port have been already requested to keep a strict neutrality with regard to the contending parties now unhappily at war in the United States, and especially with regard to the supplying of the munitions of war to the southern steamer *Sunter*, now lying at anchor in this harbor.

I have the honor to remain, sir, your most obedient servant.

D. C. MONROE,
Her Britannic Majesty's Consul.

H. SAWYER, Esq.,
United States Consul, Paramaribo.

Messrs. Solsman Brothers to Mr. Sawyer.

SURINAM, August 22, 1862.

SIR: Acknowledging the receipt of yours of this date, we have the pleasure to state, previous to that receipt *we* already had *refused* the sale of coals to the commander of the steamer Sumter. No application having been made by him for the purchase of *powder*, which, if so, as a matter of course, we also should have positively declined.

Your obedient servants,

SOLSMAN BROTHERS.

H. SAWYER, Esq.,

United States Consul at Paramaribo.

Mr. Sawyer to Messrs. Van Praag & Co.

UNITED STATES CONSULATE,
Port of Paramaribo, August 22, 1861.

GENTLEMEN: Understanding that you have coal for sale, I most respectfully request and beg of you, in the name of the United States of America, not to sell a pound to that rascally steamer sailing under the name of Sumter.

Your obedient servant,

HENRY SAWYER,
United States Consul.

MESSRS. VAN PRAAG BROTHERS,

Merchants, Paramaribo.

Mr. F. W. Seward to Mr. Sawyer.

DEPARTMENT OF STATE,
Washington, October 4, 1861.

SIR: Your despatch No. 18, dated September 4, has been received. Your conduct in regard to the Sumter while at Paramaribo is approved. The subject will be promptly brought to the notice of the government of the Netherlands.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HENRY SAWYER, Esq.,

United States Consul, Paramaribo.

Mr. Sawyer to Mr. Seward.

No. 19.]

UNITED STATES CONSULATE,
Port of Paramaribo, September 5, 1861.

SIR: I beg to enclose you the Surinam government newspaper, wherein is the proclamation of his Majesty the King of Holland, relative to rebellion in the United States.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. SECRETARY OF STATE

of the United States of America.

[Translation.]

In obedience to the King's orders the ministers for foreign affairs, of justice, and of the marine, present to the knowledge of all it may concern, that to guard against probable difficulties during the doubtful complications in the United States of North America, no privateers, under any flag soever, or provided with any commission or letters of marque, or their prizes, shall be admitted into our havens or seaports, unless in case of marine disaster, and that requisite orders be issued that under any circumstances such privateers and their prizes be required to go again to sea as speedily as possible.

AT THE HAGUE.

The ministers above named.

[Translation.]

The minister for foreign affairs and the minister of justice, by the King's authority, warn, by these presents, all inhabitants of the kingdom, that during the existing disturbances in the United States of America they in nowise take part in privateering, because the Netherlands government has acceded to the declaration upon maritime rights set forth by the Paris conference of 1856, whereby, among other matters, privateering is abolished, and no recognition of commissions got for letters of marque permitted. Also, that commissions and letters of marque, in conflict with the aforesaid prohibition, which may issue to inhabitants of the Netherlands, cannot have a lawful effect in behalf of the King's subjects, or of any abroad who are in subjection to the laws of the kingdom. Those who, under such circumstances, engage in or lend their aid in privateering to other people will be considered as pirates, and prosecuted according to law in the Netherlands, and subjected to the punishment provided for the commission of such offences.

THE HAGUE.

The ministers above named.

[Translation.]

The minister for foreign affairs, apprised by a communication from the minister of marine that the King has authorized the naval force in the West Indies to be seasonably strengthened by his Majesty's steam frigate *Zeeland*, and the screw propellers *Dyambi* and *Vesuvius*, for the purpose of giving protection to the trade and navigation of the Netherlands during the contest which seems to be in existence in the United States of North America, wherever it may be desired, therefore esteems it to be his duty to direct the attention of ship-masters, consignees, and freighters, to the peril to which their insurance against loss will be exposed by any violation of the obligations imposed on neutral powers to respect actual blockades, and not to carry contraband of war, or despatches of belligerents.

In these cases they will be subject to all the resulting losses that may follow, without the benefit of any protection or intervention on the part of his Majesty's government. Of which take notice.

THE HAGUE, *June*, 1861.

The minister above named.

Mr. Sawyer to Mr. Seward.

No. 20.]

UNITED STATES CONSULATE,
Port of Paramaribo, September 10, 1861.

SIR: I beg to inform you that on the 4th instant I wrote you, giving all particulars regarding the piratical steamer *Sumter*, * * * which has been allowed to coal and refit at this port. She left on the 31st of August to continue her nefarious business. I used all endeavors to have her ordered to sea without being allowed to coal, but to no purpose. When I found that she would be allowed to take it on board, I then used all means to detain her here and prevent, if possible, the coaling, and have expended quite a large sum in so doing, which I hope it may please the government to reimburse to me, although I acted without instructions; but I considered it my duty and for the benefit of my country. Two of her men deserted and threw themselves on my protection, which I officially refused, *but they did not leave in the Sumter*. They stated that they were driven on board by actual starvation in the streets of New Orleans, and, also, that the crew were most northern men and principles, and would gladly *leave the Sumter*. I cannot but hope and pray that this affair will not be allowed to pass, as I am certain that if such is the case the piratical vessels will make this port a station.

The *Sumter* called at Cayenne but was not allowed to enter the port, neither would the authorities receive the commander or officers. There were no prisoners on board, as they had left quite a number among the islands.

I beg to be informed how I shall act in case prisoners are landed here in a destitute condition, who are *not seamen*.

The governor acknowledged to me that he considered the *Sumter* a *man-of-war of the southern States*.

I beg to refer you to my despatch No. 18, which I have forwarded in duplicate.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. SECRETARY OF STATE
of the United States of America, Washington.

Copy of letter to the governor of Paramaribo.

PARAMARIBO, *August 21, 1861.*

The undersigned begs to inform your excellency that there are some persons in this colony who are about to supply the piratical and rebel steamer *Sumter* with contrabands of war. I most earnestly hope you will put a stop to it. I beg, also, to inform you that the United States are having serious trouble with the Spanish authorities for facilities afforded this same steamer at Cienfuegos, by supplying her with coal and other contrabands of war, besides allowing the use of their ports to her as a station.

Your obedient servant,

HENRY SAWYER,
United States Consul.

His Excellency Governor VAN LANSBURG.

Mr. F. W. Seward to Mr. Sawyer.

DEPARTMENT OF STATE, *Washington, October 17, 1861.*

SIR: Your despatch No. 20 has been received. You will please accept the thanks of the department for the very full information which you have communicated to it relative to the piratical steamer *Sumter*.

While it is much regretted that she was allowed to coal at Paramaribo, it is gratifying to know that you used all the means in your power to prevent it and to detain her in port. For the expenses incurred in the matter, which you ask to be reimbursed, I will thank you to send an account, with vouchers, specifying the particular services for which payments were made by you.

There is no fund appropriated for the relief of citizens of the United States, other than seamen, who may be landed at a foreign port in a destitute condition, and any expenses incurred by our consuls for such an object cannot be reimbursed without the authority of Congress.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

HENRY SAWYER, Esq.,
United States Consul, Paramaribo.

Mr. Sawyer to Mr. Seward.

No. 21.]

UNITED STATES CONSULATE,
Port of Paramaribo, September 24, 1861.

SIR: I have the honor to inform you that on the 14th instant the United States war steamer *Powhatan* arrived at the light-ship and left the same day for the Brazils, in pursuit of the *Sumter*. The commander addressed a letter to the governor of this colony relative to the coaling and refitting of the *Sumter*. I received merely a verbal message.

On the 18th instant the United States war steamer *Keystone State*, Commander Scott, arrived and came up to town, he having received a letter from me at the light-ship relative to the river pilots, &c. He left the following day for the islands. He most decidedly refused to have anything to do with the authorities, owing to the reception of the piratical vessel here. It seems he left St. Thomas the day after my letter of the 20th of August reached the consul, notifying him of the arrival of the *Sumter* here, but on coming out he was spoken by some fishermen, who informed him that the *Sumter*, or a vessel answering her description, had been seen at sea among the islands the day before, which was not the case, as she laid here from the 19th till the 31st of August, and if he had not been deceived the *Sumter* would have been a thing of the past, as the *Keystone State* would have been here on the 28th or 29th, and undoubtedly taken the rebel vessel at her moorings in port.

I do not think that the crew of the *Sumter* will fight when overhauled, as the two deserters reported that they were all dissatisfied and would gladly leave the vessel, and would throw down their arms in case of being attacked. The commander (Semmes) wrote to the governor on his departure that he should return or send a vessel for his deserters.

Commander Scott took with him, on his departure, five of the crew of the bark *Mary Broughton*, of Boston, W. E. Herriek, master. They were insubordinates. I used all possible endeavors to have them return to their vessel.

but they positively refused to go with her except by force, and as she was bound to Holland, I placed them on board the *Keystone State*.

The authorities gave me all aid possible, and not interfering in the least, as in the case of the brig *Taratine*, they having come to the same conclusion as the authorities in the Netherlands East Indies relative to the jurisdiction of the United States consuls, and also by the appearance of a United States armed vessel in port, it being the first that ever called here.

The names of the seamen are Charles King, C. Johnstone, Horatio N. Ruggles, C. F. Gordon, and A. H. Harris. When about to send them on board, the captain and myself tried to persuade them to return to their own vessel and all would be forgotten. They responded that if they went on board it would be in irons, and no other way. They accused the captain of making false shipping articles, and declared they shipped to go to Cayenne or Surinam and back to Boston. The shipping articles, signed by the collector of customs, Boston, reads as follows :

"It is agreed between the master and seamen or mariners of the bark *Mary Broughton*, of Boston, whereof William E. Herrick is at present master, or whosoever shall go for master, now bound from the port of Boston to Cayenne and Surinam, from either back to a port of discharge in the United States or Europe.

"BOSTON, *June 27, 1861.*"

I beg to say that I am the only native-born United States citizen in this colony, and have resided here thirteen years.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States of America.

Mr. Sawyer to Mr. Seward.

[Extract.]

No. 27.]

UNITED STATES CONSULATE,
Port of Paramaribo, October 20, 1861.

SIR: I have the honor to inform you that the United States steamer *Iroquois* arrived at this port from St. Thomas in pursuit of the *Sumter*. She is in want of coal, water, &c., which has been procured and will be taken on board to-morrow. She will leave at once for Maranhau, where I hope the *Sumter* will be found, as I understand that that government shows *all favors* to the rebel vessels.

I beg to add that the name of the island where the *Sumter* has made it her rendezvous is called Orchilla, in latitude 11° 48' north, longitude 66° 12' west.

The person who reported to me that he saw the *Sumter* at that island was in Curaçoa at the time. She coaled there; he was on board of a schooner bound to Curaçoa, and being very near they discovered her and made signals, but no notice was taken of them; they (the *Sumter*) did not even show their flag; they seemed very busy with the rigging; boats were also cruising about.

* * * * *

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. SECRETARY OF STATE
of the United States of America.

Mr. F. W. Seward to Mr. Sawyer.

DEPARTMENT OF STATE,
Washington, December 11, 1861.

SIR: Your No. 27 has been received, and the information which you have conveyed respecting the steamer *Sunter* promptly communicated to the Secretary of the Navy.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

H. SAWYER, Esq.,
United States Consul, Paramaribo.

Mr. Sawyer to Mr. Seward.

No. 28.]

UNITED STATES CONSULATE,
Port of Paramaribo, October 22, 1861.

SIR: I have the honor to inform you that on the evening of the 20th, after the mail had left, a French steamer arrived from Cayenne and reported that the *Sunter* was off the Maroni river, about one hundred miles to the eastward of this port.

The *Iroquois* having arrived here on the 19th immediately got up steam and left in pursuit, taking a pilot.

She has coal enough for four days' steaming, and will return here to take in a further supply.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. SECRETARY OF STATE
of the United States of America.

Mr. Sawyer to Mr. Seward.

No. 29.]

UNITED STATES CONSULATE,
Port of Paramaribo, November 4, 1861.

SIR: I have the honor to inform you that the United States steamer *Iroquois* arrived here on the 19th of October in want of coals. Arrangements were made with a firm to deliver 120 tons.

On the following day news came by a French steamer from Cayenne that the *Sunter* had been seen off the mouth of the Maroni river on the 18th instant. The *Iroquois* left at once in pursuit; during her absence the firm who had agreed to furnish coals, on her return, informed me that it would be impossible for them to deliver more than 30 tons.

I immediately secured from a planter 70 tons, and despatched two lighters to his plantation, thirty miles distant, where the coals were stored. Two days later the *Iroquois* came in, but owing to the strong winds the lighters were detained until the 26th, and as the steamer was to leave the next morning, only one load of 35 tons was taken on board; the other (30 tons) is left on my hands, which I have stored in town for account of the United States.

As the Sumter has coaled here, and, in my opinion, will again be allowed, if she or any other rebel vessel comes in, I have deemed it advisable to engage all the coals to be had in the colony, (about 100 tons,) thinking it the best plan to frustrate the coaling; that is, the planters have given me the *preference* of purchasing in case they are applied to for their coals. I regret to say that the sympathies for those rebels remain the same here.

I have letters at the light-ship, about 15 miles off the mouth of the Surinam river, directed to any of our men-of-war, should they call there, stating the amount of coals they can have here.

Since the arrival of the Sumter at this port, I have had no instructions from the department relative to these piratical crafts, but have acted purely, as I thought, for the benefit of my country, being guided altogether by circumstances.

I beg to enclose vouchers and accounts for the amount of coals, also copy of draft, which includes the sum I paid in my endeavors to detain the Sumter here.

If the coal is taken by a United States vessel, I shall merely take a receipt from the commander and forward the same to the department, thus cancelling the affair; otherwise, I shall await advice from you.

I beg to say that I am not engaged in trade, and that \$12 per ton is the price of coals at this moment.

Vessels must be extremely careful when making this port in the night, as the fishermen along the coast have large fires, and at a few miles distant are oftentimes taken for the light-ship. The Iroquois came very near being run ashore by mistaking one of these fires for the light-ship.

Hoping my proceedings will meet your approbation, I remain your obedient and faithful servant,

HENRY SAWYER,
United States Consul.

Hon. SECRETARY OF STATE
of the United States of America.

Mr. Sawyer to Mr. Seward.

No. 31.]

UNITED STATES CONSULATE,
Port of Paramaribo, December 16, 1861.

SIR: I have the honor to acknowledge the receipt of your communication dated October 17, and am happy to learn that my conduct regarding the piratical steamer Sumter meets with the approbation of the department.

On the 9th instant news arrived here per mail that the Sumter had escaped from Martinique, where she was blockaded by the Iroquois. I immediately had an interview with the governor of this colony, and requested to be informed if he should *again* allow the Sumter, or any other of these piratical vessels, to come up to town. He informed me that he had orders from his government to act as follows:

If a rebel vessel arrives here with a clean bill of health, she will be allowed the same privileges as a United States man-of-war; that is, vessels of either party will be allowed forty-eight hours in port.

I do not think the Sumter will come here again, without she is chased in, as they certainly know that they will have trouble in refitting. I told the governor that it was my opinion if the Sumter was caught in this port by one of our men-of-war, she would be taken, let the consequences be what they might, as the Sumter had committed piracy, and according to the laws of nations is liable to be taken wherever found. I cited facts patent to the world that, although these crafts profess to act under command from the so-called Confederate States

government, that the latter had no existence in fact as a government; no sanction as such among the nations, nor any one of them. Nor do these rebel crafts do such acts as pertain to a man-of-war of a nation, for instead of co-operating with army forces on land as a regular man-of-war would do, they prey upon commerce, plunder, burn, and sink our vessels whenever opportunity offers for individual profit, which is in character with pirates; showing these steamers to be such, and not by their acts to be men-of-war, as their officers falsely assume them to be.

The governor responded that he must obey the orders from his government, and if hostile actions should take place in the port there would be trouble with the fortress Amsterdam, which mounts very heavy Bourbon guns.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. SECRETARY OF STATE
of the United States of America.

Mr. Sawyer to Mr. Seward.

No. 2.]

UNITED STATES CONSULATE,
Port of Paramaribo, January 12, 1862.

SIR: I beg to acquaint you that the governor of this colony has informed me that the order placing restrictions upon the United States and rebel vessels has been revoked, and they can enter, refit, and depart as usual, thus placing our men-of-war on the same equality with pirates.

I have received advice from our minister at the Hague that the actions of the authorities of this port relative to the seamen Dalliver and McKenne have been sustained. You will please notice my despatch No. 10, 1861, regarding it.

As the *Sunter* is in these seas, she having plundered an American vessel since her escape from Martinique, I would advise our vessels in search of her, if they come on this coast, to reconnoitre these small rivers, such as Nikse, Courantyne, Coppenham, Saramaca, Maranam, Sinamari, Marma, and Comonyn, also the coast of Demarara, as there is an abundance of coal to be had from the plantations, and is very easily put on board by the sugar drovers.

I have letters and a good chart at the light-ship, directed to our men-of-war. If any of these pirates are chased in here, and the authorities should undertake to protect them, there will be but little difficulty in silencing the forts, as the lower one, (Amsterdam,) although it has heavy guns, they are merely in a breastwork; the one near the town is of no consequence, as there are but two old-fashioned cannon and two saluting field-pieces.

I am your most obedient servant,

HENRY SAWYER,
United States Consul.

HON. SECRETARY OF STATE
of the United States of America.

DENMARK.

Mr. Edgar to Mr. Seward.

No. 32.]

CONSULATE OF THE UNITED STATES OF AMERICA,
At St. Thomas, August 22, 1861.

SIR: I have the honor to forward herewith a despatch received to-day from the United States consul at La Guayra. He informs me that the steamer Sumter coaled at Port of Spain, Trinidad, on the 7th instant, and left that port on the 12th. I have learned from another source that she was seen off Margarita on the 13th. An unknown steamer passed across the mouth of the harbor of St. Thomas about noon on yesterday, going in a westerly direction. She created some apprehension here.

I take great pleasure in assuring the government that the authorities of this place hold the friendliest sentiments towards the United States. The governor has several times assured me that he would not allow any privateer to enter the harbor; and that he would, if necessary, make use of the Danish man-of-war steamer stationed in these waters in warning off any such vessels.

I am, sir, very respectfully, your obedient servant,

JOHN T. EDGAR,
United States Consul.

Hon. W. H. SEWARD,
Secretary of State, Washington.

Mr. F. W. Seward to Mr. Edgar.

DEPARTMENT OF STATE,
Washington, September 12, 1861.

SIR: Your despatch No. 32 has been received. You will please accept the thanks of the department for the information which you have communicated.

The department is gratified to learn that it is the determination of the local authorities to permit no privateers to enter the harbor of St. Thomas.

This course is in entire accordance with the friendly relations which have always existed between the United States and the enlightened government of Denmark.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

J. T. EDGAR, Esq.,
United States Consul, St. Thomas.

Mr. Edgar to Mr. Seward.

No. 49.]

CONSULATE OF THE UNITED STATES OF AMERICA,
At St. Thomas, November 25, 1861.

SIR: I have the honor to report that the United States steamer *Iroquois*, Captain J. S. Palmer, arrived in this port on the 11th instant and took in a supply of coal; on the 12th instant I received news by the English mail steamer from the windward islands that the rebel privateer steamer *Sumter* was at that time coaling at Martinique. I immediately despatched the *Iroquois* in pursuit of her. The *Iroquois* made the passage in about 36 hours, and was just in time to find the *Sumter* in the port of St. Pierre, Martinique; the *Sumter* had finished coaling, and probably would have been at sea in a few hours.

The United States steamer *Dacotah*, Captain McKinstry, arrived in St. Thomas on the 21st instant, on her return home from China, and took in 162 tons of the coals sent here by the Navy Department for the use of our steamers.

The schooner E. J. Tolbert, Amesbury, master, arrived in St. Thomas on the 23d instant, having been despatched hither from St. Pierre by Captain Palmer, of the *Iroquois*, for a supply of coals and provisions for the steamer. By the arrival of the schooner E. J. Tolbert, I learned that the steamer *Iroquois* came to anchor at St. Pierre, but that Captain Palmer, upon being reminded by the French authorities of that island of the international regulation which requires 24 hours to elapse before a belligerent vessel could leave a neutral port *after* the departure of a vessel of the opposing power, immediately got under way and cruised off the port to prevent the escape of the *Sumter*. The *Iroquois* kept in full sight of the *Sumter* during the daytime, but her officers were fearful that she might give them the slip during the night, as they were unable to discern her, owing to the shadows of the high lands overlooking the harbor.

From all that I can learn, I believe that there was no one in St. Pierre sufficiently loyal to aid the *Iroquois* in any manner in preventing the escape of the *Sumter*. The sympathies of the authorities and the inhabitants were entirely with the *Sumter*.

I used all diligence in putting on board of the schooner E. J. Tolbert all the coals and provisions required by the *Iroquois*, and succeeded in doing so by 10 o'clock p. m. of the day of her arrival, and immediately despatched the steamer *Dacotah*, Captain McKinstry, with her in tow. Early on the morning of this day, the 25th instant, the steamer *Iroquois* arrived in St. Thomas.

Captain Palmer has just informed me that the *Sumter* succeeded in escaping from St. Pierre on the night of the 23d instant, and as soon as he lost hope of overtaking her, he concluded to steer for St. Thomas, expecting to meet with the schooner E. J. Tolbert, that he had sent hither for coals and provisions. As the engines need three or four days' work upon them, Captain Palmer has concluded to wait here for a short time for the accomplishment of that work, and for the return of the schooner E. J. Tolbert.

The English mail steamer *Delta*, bound to Halifax, leaving within the course of an hour, I have hurriedly written this despatch to forward by her.

I cannot fully express to you, sir, my profound regret in being called upon to inform you of the escape of this piratical *Sumter*, that has given us here in the West Indies so much anxiety and loss.

I am, sir, very respectfully, your obedient servant,

JOHN T. EDGAR,
United States Consul.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. F. W. Seward to Mr. Edgar.

DEPARTMENT OF STATE,
Washington, December 16, 1861.

SIR: Your despatch No. 49 has been received, and a copy of the same promptly transmitted to the Secretary of the Navy.

You will please accept the thanks of the department for the information which you have communicated in regard to the Sumter.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

J. T. EDGAR, Esq.,
United States Consul, St. Thomas.

HAMBURG.

Mr. F. W. Seward to Mr. Anderson.

DEPARTMENT OF STATE,
Washington, July 20, 1861.

SIR: It has been suggested to this department that there is some reason to apprehend that privateers may be fitted out in some of the northern ports of Europe, more especially those on the Baltic and North seas, where there are many small harbors belonging to states having a large shipping and not now in very active employment.

You are directed to give your careful attention to any suspicious movements of the character here indicated, and be guided by the instructions in the circulars heretofore transmitted to you.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

J. H. ANDERSON, Esq.,
United States Consul, Hamburg.

Mr. Anderson to Mr. Seward.

No. 16.]

UNITED STATES CONSULATE,
Hamburg, August 20, 1861.

SIR: Your note of the 20th ultimo was duly received. I can assure you that I will be untiring in my exertions to prevent the fitting out of any privateers at this port. It may possibly be done, notwithstanding all my vigilance; but you may well believe that if I discover any suspicious movements of parties leading me to think that they contemplate embarking in the nefarious business of privateering, I will use all my influence to thwart their enterprise, and, if not successful in that, will without delay impart to the government (and such others to whom the information may be useful) all the facts in my possession touching the case. I assure you I am fully alive to the magnitude of the perils that menace us, and would glory in being in some way useful in times like these.

I am, sir, your obedient servant,

JAMES H. ANDERSON,
United States Consul.

HON. SECRETARY OF STATE,
Washington.

Mr. Anderson to Mr. Seward.

No. 63.]

UNITED STATES CONSULATE,
Hamburg, January 6, 1862.

SIR: To-day a telegraphic despatch was received on 'Change announcing that the Sumter had captured and burnt three American vessels, and landed their officers and crews, numbering forty-five men, at Cadiz, Spain. Great excitement pervades commercial circles. The exploits of the Sumter, and the disaster of the Harvey Birch, (burnt by the Nashville,) are producing their natural results. American ship-owners no longer realize those profitable returns which have made our mercantile marine the largest in the world. All classes are shy of our bottoms, and insurance companies will have nothing to do with them or their cargoes, except at ruinous rates. Our swift clippers and energetic sea-captains that have gained for us such an enviable notoriety, while filling our purses and displaying in every quarter of the globe our glorious flag, the emblem of freedom, are all out of employment, and consequently idle, except such as are in the naval service.

This state of things ought not to continue. Does the case admit of no remedy? Shall one buccaneering craft sweep the seas of our ships by the actual destruction of a few, and the consequent loss of mercantile confidence in the safety of the remainder? I am not without hope that our condition with respect to navigation may be bettered.

I have the honor to be, sir, your obedient servant,

JAMES H. ANDERSON,
United States Consul.

Hon. WM. H. SEWARD,
Secretary of State, Washington.

VENEZUELA.

Mr. Golding to Mr. Seward.

No. 21.]

CONSULATE OF THE UNITED STATES OF AMERICA,

La Guayra, August 18, 1861.

SIR: By the arrival at this port, yesterday, of the government steamer, the Venezuela, from Campano, Mr. Thomas Falls, the chief engineer, reports to me that the steamer Sumter arrived in Port of Spain, Trinidad, on the 7th instant, took in coal and provisions, and sailed on the 12th instant—destination unknown.

The brig Thomas B. Wattson arrived here yesterday from New York.

I have the honor to be, sir, your obedient, humble servant,

J. T. GOLDING,

Acting United States Consul.

Hon. WILLIAM H. SEWARD,

Secretary of State of the United States, Washington.



